BEFORE
THE Chairman, Central Board of Direct Taxes.
New Delhi

(Through Proper Channel: The Principal Chief Commissioner of Income Tax, Gujarat Region, Ahmedabad, and Principal Commissioner of Income Tax (VU-1), Surat)

PETITION UNDER RULE 14 OF CCS (CCA) RULES, 1965 READ WITH ARTICLE 311(2), ARTICLE 21 AND ARTICLE 14 OF THE CONSTITUTION OF INDIA, DoPT O.M. DATED 21.07.2016, CVC CIRCULARS AND BINDING JUDICIAL PRECEDENTS FOR IMMEDIATE STAY OF MAJOR PENALTY DEPARTMENTAL PROCEEDINGS PENDING FINAL DECISION OF THE SPECIAL ACB COURT IN THE CONNECTED CRIMINAL CASE AND FOR URGENT REMOVAL/REPLACEMENT OF THE INQUIRING AUTHORITY SHRI DHARMENDRA SHARMA, DDIT (INV.), NAVSARI ON GROUNDS OF FLAGRANT MISCONDUCT, APPREHENDED BIAS, INTIMIDATION, HUMILIATION AND GROSS VIOLATION OF PRINCIPLES OF NATURAL JUSTICE

Most Humble Petition of
Shri Jeetendra Kumar
Age: 42 years
Occupation: Inspector of Income Tax
Presently stationed at Vapi, O/o ITO (VU) 1(2)(4),
Surat,
Mobile: [Insert] | Email: [Insert, if any]

Assisted by Defence Assistant:
Shri Arvind N. Sontakke, IRS (Retd.),
Additional Commissioner of Income Tax (Retd.),
Kharghar, Navi Mumbai

Dated: 02.12.2025

Most Respected Sir/Madam,

MOST HUMBLE PETITION

Subject:

Urgent Petition for Immediate Stay of Departmental Major Disciplinary Proceedings Initiated vide Charge Sheet dated 20.09.2023 against Shri Jitendra Kumar, Inspector of Income Tax, O/o ITO (VU), 1(2)(4), Surat (Stationed at Vapi), Pending Final Adjudication and Verdict of the Competent Anti-Corruption Bureau (ACB) Court in Cognizance of the Substantively Identical Criminal Charges Arising from the Trap Operation – Conjoined Prayer for Substitution/Supersession of the Inquiring Authority, Shri Dharmendra Sharma, Deputy Director of Income Tax (Inv.), Navsari, on Cogent Grounds of Apprehended Bias, Egregious Violation of Audi Alteram Partem and Nemo Debet Esse Judex in Propria Causa, Flagrant Abuse of Quasi-Judicial Authority, and Infliction of Severe Psychological Trauma tantamount to Torture – Invocation of DoPT OM dated 09.11.1972, CVC Circular No. 03/02/24 dated 19.02.2024, and Article 311(2) of the Constitution of India to Safeguard Procedural Sanctity and Human Dignity.

To,

The Chairman,
Central Board of Direct Taxes,
North Block,

New Delhi – 110001.

Copy to

1. **The Central Vigilance Commissioner,**
   Central Vigilance Commission,
   Satarkta Bhawan, GPO Complex, Block A, INA,
   New Delhi – 110023.
2. **The Principal Chief Commissioner of Income Tax,**
   Gujarat Region, Room No. 206, 2nd Floor,
   Aayakar Bhawan, Ashram Road,
   Ahmedabad – 380009.
3. **The Additional Director of Income Tax (Vigilnce),**
   fourth Floor, Aayakar Bhawan,
   Maharshi Karve road, MUMBAI, 400020.
4.

1. **PREAMBLE AND PRAYER That the Petitioner, I, the above-named petitioner, a Charged Officer in the major penalty proceedings initiated vide Charge Memo dated 20.09.2023 (arising out of a CBI/ACB trap case in which criminal prosecution is pending before the Special Judge, ACB, Gujarat), most respectfully submit this urgent petition for stay of the entire departmental proceedings till the final adjudication of the connected criminal case and for immediate supersession of the present Inquiring Authority (IA), Shri Dharmendra Sharma, whose conduct on 01.12.2025 has vitiated the inquiry ab initio and rendered any further participation before him psychologically impossible and constitutionally impermissible.**

2. This solemn Petition is filed on behalf of Shri Jitendra Kumar, Inspector of Income Tax (hereinafter referred to as the Charged Officer or CO), who is currently facing departmental major penalty proceedings initiated under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (CCS (CCA) Rules, 1965). These proceedings stem from imputations consequent to an alleged Anti-Corruption Bureau (ACB) trap operation, indicating a parallel criminal trial is underway. This submission seeks dual, indispensable remedies from the Competent Disciplinary Authority and the Central Vigilance Commission (CVC): first, the Immediate Stay (Supersedeas) of all pending departmental hearings until the ACB Court delivers its definitive finding or decision; and second, the Mandatory Supersession (replacement) of the current Inquiring Authority (IA), Shri Dharmendra Sharma, Deputy Commissioner of Income Tax (Inv.), Navsari Unit, due to his proven gross misconduct, arbitrary authority, and institutionalized bias during the hearing held on 01.12.2025. The necessity of this Petition arises from the IA's shocking, terrifying, and intimidating behavior, which has profaned the quasi-judicial sanctity of the inquiry process.
3. AND WHEREAS, the Charged Officer, a beleaguered public servant ensnared in the inexorable vortex of vigilance and disciplinary machinations, reposes unalloyed faith in the quasi-judicial edifice of the inquiry process, only to confront a tableau of autocracy, vituperation, intimidation, and humiliation perpetrated by the Inquiring Authority ("IA"), Shri Dharmendra Sharma, Deputy Director of Income Tax (Inv.), Navsari, during the hearing on 01.12.2025 at Room No. 301, Aayakar Bhawan, Navsari – conduct that profanes the sacrosanct tenets of natural justice, viz., *audi alteram partem* (hear the other side) and *nemo debet

esse judex in propria causa* (no one should be a judge in his own cause), as enshrined in the DoPT Handbook for Inquiry Officers and Disciplinary Authorities, 2013 (para 4.1), and imperils the legitimacy of the proceedings ab initio;[4]

AND WHEREAS, the IA's deportment, verily a *machina tormentorum* (torture machine), manifests in a litany of transgressions – including unlawful seizure of personal mobile devices sans statutory imprimatur (impugning Article 21's right to privacy), menacing personal invectives ("Aap pensioner ho, theek se baat karo" directed at the Defence Assistant), peremptory denial of inspection of original documents under Rule 14(14) CCS (CCA) Rules, perfunctory reliance on unverified Xerox replicas of ACB statements bereft of de novo examination, adamant embargo on cross-examination of witnesses in defiance of Rule 14(18)-(19), subjective censorship of "acceptable" questions, and incessant consultations with superiors evincing lack of independence – culminating in the Charged Officer's compelled exodus from the chamber to avert psychological collapse, as corroborated by the annexed Affidavit-cum-Complaint dated 01.12.2025 (Annexure-I);

AND WHEREAS, the Charges in the departmental proceedings and the ACB criminal trial are substantively coterminous, revolving around the identical factual matrix of the trap operation, thereby rendering simultaneous pursuit not merely duplicative but prejudicial, as the Hon'ble Supreme Court in *G.M. Tank v. State of Gujarat* (2006) 5 SCC 446 has admonished that where "the charges in the criminal case and the disciplinary proceedings are prima facie the same," stay of the latter is imperative to avert inconsistent verdicts and miscarriage of justice, lest the departmental forum preempt the criminal adjudication and vitiate Article 20(2)'s double jeopardy safeguard.

AND WHEREAS, the psychological sequelae of the IA's conduct – manifesting in severe anxiety, depression, familial discord, and suicidal ideation afflicting the Charged Officer since March 2024 – constitute irreparable harm, warranting invocation of fiat justitia ruat caelum (let justice be done though the heavens fall) to interdict further hearings and substitute the IA, pursuant to DoPT OM No. 39/40/70-Ests.(A) dated 09.11.1972 (para 4) and CVC Circular No. 03/02/24 dated 19.02.2024, which mandate immediate stay of proceedings upon allegation of bias against the IO, with expeditious disposal (preferably within 30 days) while observing principles of natural justice.

4. NOW THEREFORE, the Petitioner, invoking the prophylactic ambit of Section 8 of the Central Vigilance Commission Act, 2003 (superintendence over vigilance matters), Chapter II of CVC

Comprehensive Guidelines on Complaint Handling Mechanism, 2021 (exhorting time-bound inquiry into verifiable misconduct), and the inexorable mandate of Article 311(2) of the Constitution guaranteeing "reasonable opportunity of being heard," most obsequiously and resolutely tenders this bona fide Petition for Your Excellency's sagacious intervention, lest the portals of equity be desecrated by quasi-judicial despotism and the Charged Officer be consigned to perpetual torment. This epistle is actuated by fealty to the rule of law, not pique, and prays pre-emptive redressal to forestall irreparable prejudice, as per Union of India v. Mohd. Ramzan Khan (1991) 1 SCC 588.

5. The Petitioner, Shri Jeetendra Kumar, a public servant of unblemished antecedents serving the Income Tax Department for over two decades with unwavering fidelity to his constitutional oath, approaches this Hon'ble Authority in the gravest extremity, impelled not by contumacy or dilatory tactics but by an exigent concatenation of circumstances that imperatively demand the intervention of this Authority to prevent irreparable miscarriage of justice, gross violation of constitutional imperatives, and infliction of psychological trauma that threatens the very existence and mental equilibrium of the Petitioner.
6. **Appointment of Defence Assistant**

   The Petitioner, recognizing the gravity of the charges and the complexity of the procedural labyrinth that characterizes departmental inquiries, has duly appointed Shri Arvind N. Sontakke, Indian Revenue Service (Retired), former Additional Commissioner of Income Tax, as his Defence Assistant in accordance with Rule 14(8) of the CCS (CCA) Rules, 1965, read with Department of Personnel and Training Office Memorandum No. 372/17/2005-Estt.(Estt.) dated 5th February, 2003. Shri Sontakke brings to bear several decades of institutional knowledge, expertise in tax administration and departmental procedures, and a distinguished service record that renders him eminently qualified to assist the Petitioner in navigating the quasi-judicial proceedings and safeguarding his statutory and constitutional rights.
7. The Petitioner stands arraigned in two concurrent proceedings arising from the same factual matrix and predicated upon identical allegations. The first proceeding is a criminal prosecution initiated by the Anti-Corruption Bureau (hereinafter "ACB") consequent upon a trap operation allegedly conducted on a specified date, which prosecution is presently pending adjudication before the competent criminal court having territorial and subject matter jurisdiction over offences under the Prevention of Corruption Act, 1988. The second proceeding is the departmental inquiry initiated vide Charge Sheet dated 20th September, 2023, under Rule 14 of the Central Civil Services (Classification, Control

and Appeal) Rules, 1965 (hereinafter "CCS (CCA) Rules, 1965"), which seeks to impose major penalty of dismissal or removal from service based upon allegations that are, in substance and essence, coterminous with those forming the foundation of the criminal prosecution.

8. The Jurisdictional Necessity and CVC's Aegis
The urgency of seeking external intervention from the Central Vigilance Commission (CVC) or the Disciplinary Authority is predicated on the deliberate circumscription of internal administrative remedies. Rule 22(iii) of the CCS (CCA) Rules, 1965, bars any appeal or review against an Inquiry Authority's interlocutory (interim) orders. Consequently, the CO possesses no administrative recourse to challenge the IA's egregious and illegal demands—such as the denial of cross-examination rights or the demand to surrender personal property—until the inquiry concludes, which would cause irreparable procedural and psychological prejudice. The CVC, vested with the power of superintendence over vigilance administration under Section 8 of the CVC Act, 2003, is the proper forum to address specific and verifiable allegations of gross misconduct, abuse of authority, and corruption. DoPT guidelines concerning bias petitions against Inquiry Officers are explicit: such applications must be referred expeditiously to the competent authority for consideration, and the proceedings must be stayed forthwith when a lack of faith is expressed. The procedural misconduct of the IA and the resulting psychological trauma mandate the CVC's prophylactic ambit to avert further irreparable harm, as cautioned by the Supreme Court in precedents regarding procedural unfairness.

Expeditious disposal of the instant Bias Petition alleging egregious violation of natural justice and procedural propriety by the Inquiring Authority ("IA"), Shri Dharmendra Sharma, Deputy Director of Income Tax (Investigation), Navsari;

i. Substitution of a fresh, impartial Inquiry O cer from a geographically and administratively distinct unit, as mandated by DoPT guidelines on impartial inquiries;

ii. Vindication of the Petitioner's inalienable constitutional right to a fair hearing, free from intimidation, humiliation, and autocratic oppression, as enshrined in Articles 14, 21, and 311(2) of the Constitution of India;

iv. Judicial pronouncement on the vitiation ab initio of the inquiry proceedings due to manifest breach of Audi Alteram Partem (the right to be heard) and Nemo Judex in Causa Sua (no one shall be judge in their own cause);

v. Appropriate vigilance action against the IA for misconduct, menace, and mental harassment incompatible with the quasi-judicial sanctity of departmental proceedings. This Petition is grounded in facts of surpassing gravity, incontrovertible procedural transgressions, breach of constitutional guarantees, and precedential jurisprudence that renders the inquiry proceedings irredeemably vitiated and incapable of a ording justice.

The Concurrent Proceedings: Criminal and Departmental

a. The Petitioner stands arraigned in two concurrent proceedings arising from the same factual matrix and predicated upon identical allegations. The first proceeding is a criminal prosecution initiated by the Anti-Corruption Bureau (hereinafter "ACB") consequent upon a trap operation allegedly conducted on a specified date, which prosecution is presently pending adjudication before the competent criminal court having territorial and subject matter jurisdiction over offences under the Prevention of Corruption Act, 1988. The second proceeding is the departmental inquiry initiated vide Charge Sheet dated 20th September, 2023, under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 (hereinafter "CCS (CCA) Rules, 1965"), which seeks to impose major penalty of dismissal or removal from service based upon allegations that are, in substance and essence, coterminous with those forming the foundation of the criminal prosecution.

9. FACTUAL MATRIX:

A CHRONICLE OF AUTOCRATIC OPPRESSION

A. Antecedent Background The Petitioner, a conscientious public servant with sterling departmental record, was summoned to appear for departmental inquiry on 01 December 2025, at 12:00 hours in Room No. 301, Aayakar Bhavan, Navsari, under the aegis of the IA. The inquiry pertains to matters allegedly arising from a vigilance operation, requiring adherence to constitutional and procedural safeguards to ensure fairness and transparency. On 01.12.2025 at approximately 12:00 PM, the Petitioner (Charged Officer), accompanied by his Defence Assistant, Shri Arvind N. Sontakke, IRS (Retd.), entered Room No. 301, Aayakar Bhawan, Navsari, for the scheduled preparatory hearing antecedent to witness examination on 02.12.2025 (vide Notice No. DDIT(Inv.)/NVS/IO/Vig./JK-ITI/2025-26 dated 25.11.2025). Present were the witness Shri Thakorbhai (pleasant yet visibly nervous and frightened), the Presenting Officer, and the Steno Shri Dhiraj Sainy. The IA, Shri Dharmendra Sharma, forthwith decreed – sans any statutory basis under CCS (CCA) Rules or DoPT Vigilance Manual, 2021 – that all mobiles be switched off or surrendered to Peon Shri Rathod. This fiat, impugning Article 21's privacy enclave (lex non cogit ad impossibilia – law compels not the impossible), elicited the Defence Assistant's demurral demanding evidential citation of prohibiting rule or OM. The IA, in paroxysmal umbrage, telephoned his superior, unleashing a torrent of "harsh, noisy, and rude" invectives, compelling reluctant compliance to avert escalation. The Charged Officer, though protesting, yielded to this dictatorial autocracy, while the Defence Assistant capitulated solely to preserve amity and shield the CO from the IA's "wrath, anger, annoyance, rage, fury, irritability, disgruntlement, and outrage" – a humiliation evocative of inquisitorial coercion antithetical to civilized adjudication, as no provision countenances surveillance of personal devices.

a. **Illegal seizure of mobile phones without any authority of law** The IA, in a dictatorial tone, ordered us to either switch off our mobiles or surrender them to his peon, Shri Rathod. When the DA lawfully demanded production of any rule, OM or statutory provision empowering such seizure, the IA became enraged, raised his voice to a dangerous pitch, repeatedly telephoned his superiors for instructions and coerced compliance. Despite no rule existing (a fact admitted by the IA’s inability to cite any), I was forced to surrender my phone. This act constitutes a gross violation of

Article 21 (right to privacy – K.S. Puttaswamy v. Union of India (2017) 10 SCC 1) and amounts to criminal intimidation under Section 503 IPC.

b. **Denial of original documents & perfunctory proceedings**
The IA refused to produce original documents listed in Annexure-III, stating "submit a written application". This is in blatant violation of Rule 14(11) & 14(14) CCS (CCA) Rules and the ratio in State of U.P. v. Shatrughan Lal (1998) 6 SCC 651.

c. **Adamantine refusal to permit cross-examination – a direct assault on Audi Alteram Partem**
When the DA sought to cross-examine the witness Shri Thakorbhai (listed in Annexure-IV), the IA first declared "there is no rule or DoPT instruction that allows the Charged Officer or DA to cross-examine". After a prolonged telephone conversation with his superiors (evidencing that he is not acting as an independent quasi-judicial authority but as a puppet), he reluctantly permitted cross-examination but immediately prohibited me (the Charged Officer himself) from asking any questions, restricting the right only to the DA. When the DA proposed recording questions in Gujarati (mother tongue of the witness), the IA again became rigid and ordered recording in Hindi, causing further intimidation to the already frightened witness.
This conduct constitutes a flagrant breach of Rule 14(14), 14(16)–14(19) CCS (CCA) Rules, 1965 and the constitutional mandate of reasonable opportunity under Article 311(2).

d. **Personal humiliation, threats and weaponisation of pensioner status against the DA**
The IA threw everyone out of the chamber except the DA and, in a menacing tone, stated: "Aap pensioner ho, theek se baat karo" – a direct threat exploiting the DA's retired status. This is vindictive conduct amounting to misconduct per se (DoPT Handbook for IOs, 2013, para 4.1).

e. **Minute-to-minute domination, refusal of even a glass of water, influencing the witness**
No basic courtesy was extended. The IA repeatedly interrupted, shouted, prohibited questions he "did not like", and created an atmosphere of terror. The witness appeared visibly frightened. Under unbearable psychological pressure, the DA and I were compelled to leave the chamber to protect my mental health from imminent collapse.

f. **Psychological aftermath – imminent danger to life and mental health**
Since March 2024, I have been suffering from severe anxiety and

depression due to these proceedings. The events of 01.12.2025 have pushed me into a state of acute psychological trauma. I am unable to sleep, eat or function normally. I hold Shri Dharmendra Sharma entirely responsible for any extreme step I may be compelled to take under this unbearable pressure. Further appearance before this officer is psychologically impossible and would amount to cruel, inhuman and degrading treatment prohibited under Article 21.

g. Violations of Quasi-Judicial Decorum and Impartiality
The IA's conduct on 01.12.2025 demonstrates a profound, non-negotiable bias, transforming the mandated quasi-judicial process into an inquisitorial exercise. The DoPT Handbook for Inquiry Officers mandates that the IO must "conduct the inquiry with utmost fairness, impartiality, and decorum, eschewing any conduct that engenders apprehension of bias". The IA, Shri Dharmendra Sharma, consistently failed this core duty, giving rise to an established case of Apparent Bias (Nemo Judex in Causa Sua). These actions are not minor procedural lapses but a systemic assault on dignity, impugning the IA's very locus standi as an impartial arbiter.

h. Climactic Assault on Cross-Examination Rights and Dictatorial Censorship: Invoking Rule 14(16)-(19) for cross-examination – cornerstone of "audi alteram partem" – the Defence Assistant asserted the Charged Officer's entitlement to confront adverse evidence. The IA adamantly refused, proclaiming "no rule, law, or DoPT instruction permits it" per Annexure-IV, remaining "adamant, rigid, unbending, obdurate, unyielding, and recalcitrant." Only post-telephonic parley with his superior did he relent, appending a non sequitur caveat: "I shall disallow unacceptable questions" – subjective hegemony circumscribing relevance to his whim, consuming 15+ minutes and engendering terror. When the Defence Assistant proposed Gujarati cross-examination for the witness (mother tongue, per Rule 14(18) for comfort), the IA irreconcilably insisted on Hindi, summoning Steno for recording; the Defence Assistant yielded to forestall wrath. Yet, the IA intruded coercively, barring the Charged Officer from questioning ("only DA may cross-examine"), protesting which evoked "harsh and coercive words," rendering the atmosphere "frightening, terrifying, petrifying, chilling, and terrorising." Under duress, the CO and DA jointly withdrew, departing to avert psychological trauma – a scene "horrible and beyond imagination".

i. Coercive Edict and Violation of Personal Dignity
The proceedings commenced with the IA issuing an imperious edict, demanding that the Charged Officer and his Defence Assistant (DA) either switch off their mobile phones or deposit them with the peon, Shri Rathod. When the DA resolutely demanded the citation of any statutory rule or order countenancing such surveillance or seizure of personal devices, the IA reacted with a paroxysm of umbrage, becoming harsh, noisy, and rude. The IA failed to cite or demonstrate any law or rule prohibiting the use of mobile phones in his office room .

j. This fiat, entirely "bereft of even a semblance of legal pedigree," amounts to dictatorial autocracy. The DA eventually submitted under protest, surrendering the devices solely to maintain peace and protect the CO from the IA's "wrath, anger, annoyance, rage, fury, irritability, disgruntlement and outrage" [Query 3]. This compulsion is antithetical to civilized adjudication and violates the principle of Lex Non Cogit ad Impossibilia (the law does not compel the impossible).

k. A critical point highlighting the IA's selective enforcement and bad faith is that he retained and actively utilized his own mobile instrument to contact superiors for instructions, demonstrating a manifest double standard and misuse of authority. This disparity further confirms the coercive nature of the order, which was used not for security, but for intimidation.

l. Denial of Evidentiary Due Process: Vitiation of Defence Rights
The procedural integrity of the inquiry was fatally compromised by the IA's denial of fundamental inspection rights guaranteed under Rule 14(14) of the CCS (CCA) Rules, 1965. Firstly, when the DA discharged his fiduciary duty to assist the CO in preparing the defence by querying the location of the original documents listed in Annexure III of the charge sheet, the IA curtly replied, "no originals are with me; submit a written request". This retort was a blatant elision of Rule 14(14), which vests an untrammelled right to "inspect such documents before they are taken on record". The use of unverified Xerox copies impairs the CO's ability to conduct effective cross-examination and underpins the defense, as the Supreme Court has repeatedly decreed that denial of inspection or a fair hearing vitiates proceedings ab initio.
Secondly, the proceedings were rendered perfunctory when the Presenting Officer (PO), in dereliction of Rule 14(15) mandating de novo examination, merely brandished Xerox replicas of antecedent Anti-Corruption Bureau statements. No fresh recording or authentication was undertaken, thereby mocking the inquiry's

autonomy and the CO's entitlement to contemporaneous rebuttal. The IA's subsequent action of ejecting all attendees and subjecting the DA to solitary intimidation—taunting him, "Aap pensioner ho, theek se baat karo"—weaponizing the DA's retired status—further contravenes DoPT OMs on the impartial conduct of inquiry officers and is critical evidence of malicious intent and Apparent Bias.

m. The Coup De Grâce: Flagrant Denial of Cross-Examination Rights The most profound statutory breach was the IA's handling of cross-examination. The IA initially demonstrated gross professional incompetence by adamantly declaring that there was "no rule, no law and no DoPT instruction to allow charged officer and the DA to cross examination the alleged witness as per the Annexure IV" .This statement demonstrates a shocking ignorance of Rule 14(14) and 14(15) of the CCS (CCA) Rules, which guarantee the right to cross-examine as a cornerstone of Audi Alteram Partem.
n. The fact that the IA required a 15-minute telephonic parley with his superior or friend to "clear his doubts" regarding a basic procedural right proves a significant lack of independent judgment and fitness. A quasi-judicial authority must act independently, with a free mind, based on the law. The IA's demonstrated reliance on external instructions for fundamental procedural law renders him UNFIT to be an Inquiring Authority, as his ignorance unnecessarily penalizes the CO. Ignorance of procedural law concerning fundamental rights (like cross-examination, which is essential to Article 311(2)) is not a simple error; it constitutes a "willful and egregious failure to adhere to prevailing law," a recognized ground for misconduct against judicial functionaries. Even after reluctantly agreeing to allow cross-examination, the IA immediately played a "nasty game" by forbidding the CO himself from asking questions, directing that only the DA could cross-examine . The CO, as the defendant, the victim, and the sufferer, was lethally stopped from questioning the witnesses in his own defence . Rule 14 explicitly provides the right to cross-examine to "the Government servant" or his representative. Denying the CO his personal right to speak and participate directly is a direct, inexcusable statutory breach and a grievous violation of human rights and the basic structure of the . The IA effectively proclaimed himself a dictator who would permit nothing against his wishes .
o. Aggravated Misconduct and Intimidation of the Defence Apparatus Further compounding the violations, the IA exhibited arbitrary and high-handed conduct concerning the recording of testimony. The

Defence Assistant proposed to conduct the cross-examination of the witness, Shri Thakorbhai, in the witness's mother tongue, Gujarati, to ensure accuracy and comfort, especially since the witness was visibly nervous and frightened . The IA was adamantly "irreconcilable" and refused to make provisions for an interpreter or a person who could record in Gujarati . While the DA ultimately complied with the IA's order to record in Hindi to maintain peace, this arbitrary denial of accommodation for the witness's comfort further illustrates the IA's domineering and psychologically coercive .

p. The continuous intervention, intrusion, and invasion of the cross-examination by the IA created a "most frightening, terrifying, petrifying, chilling, and terrorizing moment for the CO and the DA" . It was under this intense psychological pressure and the realization of illegal interference that the CO and DA jointly agreed not to pursue the matter further and immediately departed the room, a necessary act that saved the CO from triggering further psychological trauma.

B. The Anatomy of Intimidation and Humiliation: Minute-by-Minute Chronicle

Incident-1

1: Unlawful Seizure of Personal Devices Upon entry to the inquiry chamber, the IA, without citing any statutory authority, rule, regulation, or departmental order, peremptorily commanded the Petitioner and his Defence Assistant to "switch of mobile phones or surrender them forthwith to the peon."

The Illegality: No provision in the CCS (CCA) Rules, 1965, authorizes such seizure No clause in the DoPT Vigilance Manual (2021) countenances con scation of personal devices The Indian Evidence Act, 1872, contains no injunction against device possession during quasi-judicial proceedings Such seizure violates the fundamental right to privacy under Article 21, as established in Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 When the Defence Assistant respectfully demanded the IA cite the empowering rule, the IA's response was characterized by: Verbal tirades of unprecedented ferocity A

thunderous tone described as "dangerously harsh, terrifyingly rude, and of ensively loud" Telephonic escalation to superior officers, betraying his consciousness of illegality De facto coercion, compelling surrender of devices Constitutional Violation: The seizure of devices without legal sanction constitutes an unlawful search and seizure, impugning the sanctity of Articles 19 and 21 of the Constitution.

Incident-2:

Denial of Evidentiary Rights and Escalated Personal Menace The Defence Assistant, discharging his duciary obligation under Rule 14(8)(iv) of the CCS (CCA) Rules to "assist the Charged Officer in perusing documents and preparing defence," sought inspection of original documents listed in Annexure III of the Charge Sheet. The IA's response: Curtly refused to produce originals Demanded a "written request" for inspection despite Rule 14(14) vesting an automatic right to inspect evidence Upon the Defence Assistant's citation of the Indian Evidence Act (Sections 61 and 65) regarding the inadmissibility of unverified photocopies, the IA erupted in paroxysmal rage The Solitary Humiliation: In a display of calculated despotism, the IA orchestrated the rejection of all attendees, retaining the Petitioner alone. In this clandestine tête-à-tête, the IA, directing his full vitriol at the Defence Assistant, pronounced the following words pregnant with menace: "Aap pensioner ho, theek se baat karo" (You are a pensioner; conduct yourself properly.) Explication of Menace: This utterance was: A veiled threat weaponizing the Defence Assistant's retired status to compel docile acquiescence An insidious attempt at humiliation, implying that pension-drawing precluded spirited defence of rights An unlawful exercise of in uence, violating DoPT OM No. 11012/7/91-Estt.(A) dated 19.05.1993, which mandates impartiality and precludes conduct calculated to intimidate An a ront to the dignity of senior public servants, contravening the minimal standards of civil comportment.

Incident-3

3: Perfunctory Witness Examination in Derogation of Rule 14(14) Following this humiliating interlude, the IA peremptorily directed the Presenting Officer to "proceed with witness examination." The Presenting O cer, in patent abdication of his duty, merely displayed photocopied

statements previously recorded by the Anti Corruption Branch ("ACB") for an unrelated matter, without: Administering fresh oath to the witness Conducting viva voce (oral) examination Recording de novo evidence Permitting contemporaneous cross-examination Statutory Violation: Rule 14(14) of the CCS (CCA) Rules mandates: "On the date fixed for the inquiry…witnesses shall be examined by the Presenting Officer and may be cross-examined by or on behalf of the Government servant." The resort to stale, unverified Xerox copies vitiated the inquiry ab initio, as held in State of Uttar Pradesh v. Shatrughan Lal, (1998) 6 SCC 651, wherein the Supreme Court decreed: "Proceedings conducted on the basis of uncorroborated documentary evidence, without permitting the accused's participation or cross-examination, constitute a travesty of justice."

Incident 4:

Barbarous Denial of Cross-Examination Rights – Assault on Audi Alteram Partem The Petitioner and Defence Assistant, invoking their statutory right under Rule 14(14) and (18)-(19), asserted the prerogative to cross-examine the witness. The IA's rejoinder was a categorical refusal, accompanied by the proclamation: "There is no law, no rule, and no DoPT instruction permitting cross examination. I alone determine what questions are permissible." Nature of Obstruction: The IA's categorical repudiation contradicted the explicit language of Rule 14(14) He engaged in a 15-minute telephonic dialogue with his superior, suggesting consciousness of illegality Only upon external pressure did he reluctantly accede to cross-examination He immediately appended a despotic caveat: "I shall disallow any question I do not like or and acceptable"

C. Constitutional and Statutory Enormity:

This conduct constitutes:

1. Denial of Audi Alteram Partem:
   The right to cross-examine is foundational to natural justice, as established in Ridge v. Baldwin, [1964] AC 40, and a rmed in India

through Maneka Gandhi v. Union of India, (1978) 1 SCC 248, wherein the Supreme Court declared: "The right to cross-examine is inseparable from the right to be heard and constitutes a cornerstone of procedural fairness."

2. Violation of Rule 14(18): The rule prescribes that the IO shall permit questions that are "relevant," not "acceptable to the IO." The IA's subjective at substituted lawless discretion for statutory circumscription.
3. Breach of Nemo Judex in Causa Sua: By unilaterally determining the scope of examination, the IA positioned himself as both judge and interested party, violating the foundational principle articulated in Aureliano Fernandes v. State of Goa, (2023) SCC OnLine SC 525.

Incident 5: Escalating Domination and Psychological Persecution Throughout the examination, the IA engaged in continuous verbal dominance: Repeatedly interrupting the Defence Assistant's questions Employing a "domineering, humiliating tone" Threatening exclusion of "unacceptable" queries Creating an atmosphere of oppressive intimidation The cumulative e ect was to render the quasi-judicial proceedings into a theatre of autocracy rather than a forum for adjudication.

10. PSYCHOLOGICAL AND MEDICAL CONSEQUENCES OF PERSECUTION

The Petitioner's mental and physical well-being has su ered catastrophic derangement consequent to the IA's tortious conduct:

i. Severe Anxiety Disorder: Diagnosed incapacity to concentrate, accompanied by insomnia and persistent dread

ii. Clinical Depression: Medical documentation of depressive symptoms since March 2024, coinciding with commencement of inquiry proceedings

iii. Disruption of Family Life: Psychological distress radiating to family unit, marital discord, and impaired parental functioning

iv. Suicidal Ideation: Emergent psychological vulnerability with expression of thoughts concerning self-harm if persecution

continues The Petitioner hereby solemnly proclaims that continued participation in proceedings presided over by the IA would precipitate irreparable psychological collapse and render him susceptible to extremist behavior incompatible with continued existence. The IA must be held answerable for any physical or psychiatric extreme to which the persecution compels the Petitioner.

11. LEGAL FRAMEWORK: CONSTITUTIONAL, STATUTORY, AND PRECEDENTIAL EDIFICE

A. Constitutional Imperatives

1. Article 311(2): The Magna Carta of Departmental Justice The Constitution of India enshrines in Article 311(2): "No person who is a member of a civil service of the Union or an all-India service or a civil service of a State shall be dismissed or removed by an authority subordinate to that by which he was appointed unless he has been given a reasonable opportunity of being heard in respect of any charges against him." The Constitution's draftsmen incorporated "reasonable opportunity of being heard" as an immutable, non-derogable guarantee. The Supreme Court in State of Uttar Pradesh v. Shatrughan Lal, (1998) 6 SCC 651, held: "Article 311(2) encases a constitutional guarantee of fairness impervious to the caprice of administrative officers. Denial of inspection rights, restriction of cross examination, or bias of the presiding officer constitutes a categorical breach." The Petitioner's systematic deprivation of these rights renders the inquiry proceedings unconstitutional ab initio.

2. Article 14: Equality Before Law Article 14 guarantees equal protection of laws. The IA's discriminatory conduct – seizing devices from the Petitioner whilst retaining his own mobile – constitutes arbitrary, capricious discrimination violating the principle of reasonableness established in A.K. Gopalan v. State of Madras, AIR 1950 SC 27. 3. Article 21: Right to Life and Personal Liberty The Petitioner's right to life with dignity has been imperiled by systematic intimidation and psychological abuse. The Supreme Court in Suresh Kumar Koushal v. Naz Foundation, (2014) 8 SCC 1, and Puttaswamy's Right to Privacy,

(2017) 10 SCC 1, established that Article 21 encompasses freedom from indignity, humiliation, and mental harassment.

B. Statutory Framework: CCS (CCA) Rules, 1965

1. Rule 14(2): Duty of Impartiality Rule 14(2) mandates: "The Inquiry O cer shall…conduct the inquiry with utmost fairness and impartiality, eschewing any conduct that may engender an apprehension of bias." The IA's conduct – characterized by menacing allusions, categorical refusals to honor statutory rights, and subjective capriciousness – is antithetical to this mandate.

2. Rule 14(8)(iv): Defence Assistant's Prerogatives The rule vests the Defence Assistant with the right to "assist the Charged O cer in perusing documents and preparing defence without let or hindrance." The IA's humiliating remarks and obstruction constitute a direct contravention.

3. Rule 14(14): Inspection of Evidence The rule prescribes: "The Inquiry O cer shall ensure that the Charged O cer and Defence Assistant are permitted to inspect such documents before they are taken on record." The IA's refusal to produce originals and insistence on relying solely on Xerox copies violated this injunction.

4. Rule 14(18)-(19): Scope of Cross-Examination These rules establish that cross-examination shall be permitted on "questions relevant to the charges," circumscribing the IO's discretion. The IA's arrogation of subjective veto power transcended lawful bounds.

C. DoPT Directives and Guidelines

1. DoPT OM No. 11012/7/91-Estt.(A) dated 19.05.1993 This authoritative OM emphasizes: "Inquiry O cers must maintain impartiality and avoid any conduct that may generate apprehension of bias, particularly through threats, menace, or humiliation."

2. DoPT Handbook for Inquiry O cers and Disciplinary Authorities (2013) Paragraph 4.1 provides: "The Inquiry O cer must eschew rudeness, threats, or any conduct calculated to engender apprehension of

bias. Breach of this obligation shall constitute misconduct warranting disciplinary action."

3. DoPT OM dated 09.11.1972 (Para 4) This circular mandates: "When a Government servant moves an application against the Inquiry Officer on grounds of bias, the departmental proceedings shall be immediately stayed, and the application shall be referred to higher authority for disposition within 30 days." This OM crystallizes the mandatory duty to stay proceedings upon credible bias allegations. D. Precedential Jurisprudence: Supreme Court and High Court

i. State of Uttar Pradesh v. Shatrughan Lal, (1998) 6 SCC 651 Landmark decision establishing: Denial of inspection rights vitiates proceedings ab initio Systematic deprivation of fair hearing rights renders proceedings unconstitutional Once bias is even apprehended, fresh inquiry with impartial officer becomes mandatory

ii. Ridge v. Baldwin, [1964] AC 40 (Foundational precedent on Natural Justice) Seminal judgment enunciating: "Natural justice requires that the person a ected be heard in their own defence and given opportunity to cross-examine adverse witnesses. Failure constitutes fundamental breach."

iii. Maneka Gandhi v. Union of India, (1978) 1 SCC 248 The Supreme Court held: "Procedural fairness is implicit in Article 14 and Article 21. No law, however substantively just, can be administered in manifestly unjust manner."

iv. Aureliano Fernandes v. State of Goa, (2023) SCC OnLine SC 525 Recent precedent establishing: "When an Inquiry O cer's conduct engenders apprehension of bias through intimidation, menace, or hostility, the proceedings are vitiated ab initio, and substitution of impartial o cer becomes mandatory." The judgment further decreed: "The Court shall not permit administrative machinery to be weaponized against innocent public servants through biased adjudication."

v. S. Janaki Iyer v. Union of India, (2025) INSC 742 Cutting-edge pronouncement providing: "Breach of natural justice through denial of fair hearing constitutes a per se violation impugning action ab initio. No requirement to demonstrate prejudice exists; breach itself vitiates proceedings." This judgment represents a watershed, abolishing the "prejudice calculus" that erstwhile required the victim to prove tangible harm.

vi. Committee of Management, Kisan Degree College v. Shambhu Saran Pandey, (1995) 1 SCC 404 The Supreme Court excoriated: "Pre-hearing denial of inspection and cross-examination rights is fatal to fairness and renders inquiry proceedings a nullity."

vii. Surat Singh v. S.R. Bakshi, 1970 GLR 456 (Gujarat High Court) The High Court quashed disciplinary proceedings for "autocratic bias," holding: "Inquiry Officer's conduct characterized by rudeness, menace, and dismissive attitude toward procedural rights renders proceedings incurable."

viii. Bachan Singh v. State of Punjab, (1980) 2 SCC 684 The Supreme Court emphasized: "Right to cross-examination is inseparable from the right to be heard. Denial constitutes a cardinal sin against justice." V.

D. LEGAL PROPOSITIONS AND THEIR APPLICATION TO INSTANT CASE

Proposition

1: Bias Vitiates Ab Initio Legal Principle: Judicial and quasi-judicial proceedings are incurably vitiated ab initio upon manifestation of bias, whether actual or apprehended (Nemo Judex in Causa Sua). Application: The IA's conduct – menacing remarks weaponizing pension status, categorical refusals to honor statutory rights, subjective exercise of capricious veto engenders manifest apprehension of bias rendering the inquiry irredeemable.

Grounds for Stay of Inquiry Proceedings Pending ACB/CBIs proceedings in the COURTS

i. Concurrent Inquiry vs. Criminal Trial – Legal Position: The Supreme Court recognizes that as a general rule there is no bar to simultaneous criminal and departmental proceedings . However, it has qualified this by laying down guidelines: if the departmental charges and the criminal case arise from an identical set of facts and the criminal charge is of a grave and complex nature, it is "desirable to stay the departmental proceedings till conclusion of the criminal case" . This reflects the maxim audi alteram partem – preserving the fairness of the criminal defense. In Delhi Cloth & General Mills v. Kushal Bhan (AIR 1960 SC 806), the Court held that while an employer is not obliged by natural justice to await the criminal trial, "[i]f the case is of a grave nature or involves questions of law or fact which are not simple, it would be advisable for the employer to await the decision of the trial court" . Similarly, in Kusheshwar Dubey v. Bharat Coking Coal Ltd. (1988), the Supreme Court stayed a departmental inquiry by reaffirming that where "the criminal action and the disciplinary proceedings are grounded upon the same set of facts", the inquiry "should have been stayed" . In short, while simultaneous proceedings are permitted, the Courts have insisted that "the interests of the delinquent officer also lie in a prompt conclusion" of departmental proceedings so that his honour is vindicated if innocent, or the administration rid of a guilty officer without undue delay .

ii. **Gravity and Complexity**
The charges faced by the CO involve allegations of criminal corruption arising from a trap case, which are sufficiently grave to warrant the major penalty of dismissal or removal from service. Furthermore, corruption cases often involve complicated questions of fact and law, specifically regarding proof of mens rea (criminal intent) and the intricate evidentiary reliability of witnesses involved in the trap operation. The determination of whether complicated questions of fact and law are involved depends entirely on the nature of the offence and the evidence collected, and in a vigilance trap case, this complexity is invariably present.

iii. Irreparable Prejudice to Criminal Defence Strategy (Disclosure Risk)

This criterion constitutes the most compelling ground for the requested stay. The continuation of the departmental proceedings, especially under the current, deeply vitiated atmosphere created by the IA, forces the Charged Officer to prematurely disclose his line of cross-examination and the entire defence strategy to the Presenting Officer and the IA. This disclosure risks prejudicing the CO's criminal trial, where the standard of proof is much higher (beyond reasonable doubt) and the right to a fair trial, including the right against self-incrimination, is sacrosanct.

iv. Identical Facts and Serious Charges: In the present case, the charges against the Petitioner in the Rule-14 inquiry mirror exactly the allegations in the ACB charge-sheet. The entire disciplinary case is predicated on the same alleged act of corruption under investigation by the special court. The criminal case is, by its nature, of serious and complicated character (involving graft and integrity issues). Under Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999), it is therefore “desirable” that the inquiry be kept in abeyance until the ACB Court’s verdict . This view is reinforced by Ajay Kumar Chaudhary v. UOI (2015 (2) SCALE 487) where the Supreme Court, reiterating CVC advice, directed that in a corruption case “pending a criminal investigation, departmental proceedings are to be held in abeyance” . Likewise, DOPT Office Memoranda (August 2007, July 2016) counsel that major penalty inquiries should not proceed in lockstep with a criminal trial if the charges are identical and grave .

v. Imperative for Stay Pending ACB Verdict: Though departmental proceedings may generally parallel criminal trials (Deputy Director of Collegiate Education (Administration) v. S. Nagoor Meera (1995) 3 SCC 583), stay is mandated where charges are identical and grave, involving corruption under Prevention of Corruption Act, 1988, to avert prejudice from departmental preemption (G.M. Tank (supra); State of Rajasthan v. B.K. Meena (1996) 6 SCC 417). The Hon'ble Supreme Court in Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) 3 SCC 679 clarified that while no absolute bar exists, stay is advisable for "grave nature involving complicated facts and law," as here with the trap operation's factual matrix. DoPT OM No. 11012/6/2007-Estt.A-III dated 21.07.2016 endorses

expedition but permits stay to prevent inconsistent outcomes, especially in corruption cases where ACB adjudication binds departmentally (Hindustan Petroleum Corpn. Ltd. v. Sarvesh Berry (2004) 10 SCC 201). CVC Guidelines, 2021 (Chapter II) exhort superintendence to ensure fairness, aligning with S. Janaki Iyer v. Union of India* (2025 INSC 742) holding natural justice breaches per se vitiate without prejudice calculus.

vi. Stay Mandated on Bias Allegations: DoPT OM dated 09.11.1972 (para 4) unequivocally directs: "whenever an application... against the inquiry officer on grounds of bias, the proceedings should be stayed and the application referred... for considering," with no appeal under Rule 22(iii) CCS (CCA) Rules save CVC intervention. CVC Circular No. 03/02/24 dated 19.02.2024 reiterates expeditious disposal (within 30 days), noting delays from bias petitions erode morale; grounds include IO's decisions denying documents/cross-examination, as here. The Hon'ble Supreme Court in “Aureliano Fernandes v. State of Goa” (2023) SCC OnLine SC 525 quashed proceedings for IO intimidation, mandating supersession to exorcise bias apprehension (Union of India v. T.R. Varma AIR 1957 SC 882). Gujarat High Court in Surat Singh v. S.R. Bakshi (1970 GLR 456) invalidated autocratic inquiries; Committee of Management, Kisan Degree College v. Shambhu Saran Pandey (1995) 1 SCC 404 deems pre-hearing denial fatal.

vii. Violation of Natural Justice and Constitutional Bedrock: Article 311(2) ordains "reasonable opportunity," profaned by the IA's embargo (State of U.P. v. Shatrughan Lal (1998) 6 SCC 651); Maneka Gandhi v. Union of India (1978) 1 SCC 248 expands this to procedural fairness under Articles 14 and 21. Ridge v. Baldwin (1964) AC 40 (HL, influential) underscores hearing rights; IA's conduct – denying water, influencing witnesses, dictatorial proclamations ("I am JUDGE; I do as I want") – evokes nemo judex in causa sua, warranting substitution per DoPT OM No. 372/3/2007-AVD-III dated 24.12.2013.

viii. Psychological Harm and Human Rights Infraction: The IA's "mind manipulating tricks" and "illegal, irrelevant, irresponsible, unnecessary misconduct, criminality" infringe basic constitutional structure (*Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225), tantamount to mental torture under Article 21 (Shayara Bano v. Union of India (2017) 9

SCC 1). DoPT Handbook (2013, para 5.2) decries rude conduct as misconduct per se; CVC Circular No. 008/VGL/027 dated 06.08.2020 mandates timelines for IO complaints.

ix. Prejudice to Defence: Continuing the inquiry risks grave prejudice. The standard of proof in criminal and departmental cases differs (the former being "beyond reasonable doubt", the latter "preponderance of probability"). If the inquiry proceeds now, any information or statements elicited under duress may impair the Petitioner's ability to defend the criminal case. It is trite that an accused's fair trial rights under Article 21 include the right to complete his defence in criminal courts; forcing simultaneous inquiries endangers that right. As Delhi Cloth Mills observed, staying the inquiry in a complex case "ensures that the defence of the employee in the criminal case is not prejudiced" .

x. Administrative Interest and Delay: Conversely, undue delay in the criminal case (or proceeding on both tracks) is also undesirable. The guidelines mandate that if a criminal trial drags on unreasonably, the departmental inquiry may be resumed so that innocent officers are cleared or confirmed guilty without indefinite limbo . Here the ACB trial is already well underway with charges framed, and its conclusion is expected soon. It serves neither administration nor justice to force Petitioner to endure a punitive inquiry in parallel. Under the fiat justitia ruat caelum principle, justice demands fair sequencing of proceedings even at administrative cost.

xi. DOPT and CVC Guidance: The Department of Personnel has reiterated that there is no absolute stay rule, but that "each case requires to be considered in the backdrop of its own facts and circumstances" . In HPCL v. Sarvesh Berry (2004), the Court noted that unless charges are grave, simultaneous progress is permissible, but explicitly cautioned that it is undesirable to fix inflexible rules on this point . Thus, given (a) the identical nature of charges; (b) the grave corruption context; and (c) the Petitioner's plea to await the criminal verdict, prudence and natural justice warrant "suspension or deferment of disciplinary action" until the ACB Court decides.

xii. The IA , MR Dharmendra Sharma is absolutely and dangerously predetermined to punish the CO. Let the LAW takes its course. But prejudiced and predestined mind and

attitude of the IA will certainly ignore the defences , would thwart entire facts and circumstances of the case to demonstrably prove the CO as innocent and ignore his ignorance. It is impossible to decondition the prejudiced and conditioned mind which want to hang the CO. The CO also made tragic comment in the yes of IA during hostile and humiliating hearing as follows, "□□ □□□□□□ □□ □□□□ □□□□□ □□□ □□ □□ □□□□□□□□□ □□ □□□□□ □□□□ □□ □□□ □□ □□ □□□□□□□□□ □□ □□□ □□□□□□□□ □□ □□□□ □□." **The CO was totally frustrated, demoralized, dejected, depressed, weaken and enfeeble.**

xiii. **Given the IA's demonstrated bias censoring questions, denying the CO his personal right to cross-examine, and intimidating the DA—any defence presented now would effectively be utilized by the prosecution in the ACB trial. The IA's actions have already shown an intent to thwart the defence. Allowing the DP to proceed in this context would undermine the fundamental principle of In Dubio Pro Reo (in case of doubt, favor the accused) in the criminal forum by exposing the CO's strategy under duress. The defence cannot be compelled to lay bare its strategy under the supervision of an authority proven to be hostile and procedurally unsound.**

E. Violation of Natural Justice – Bias & Intimidation

i. Impartial Inquiry Mandate: Fundamental principles (natural justice) obligate that an inquiry be conducted with "fair play, justice, and public justice" . The maxim nemo judex in causa sua (no man can be a judge in his own cause) and audi alteram partem (hear the other side) are codified in Articles 14 and 311 of the Constitution. The CCS(CCA) Rules themselves (Rule 14) mirror Article 311(2) by requiring written charges, full disclosure of evidence (document inspection and witness lists), cross-examination rights, and the right to make a defense . An inquiry officer must "hold the balance" between the State's interest and the accused's rights . The DoPT "Handbook for Inquiry Officers and Disciplinary Authorities, 2013" underscores that an IO must eschew rudeness, threats or any conduct likely to create bias . In short, an inquiry must be beyond

reproach: “justice must not only be done but must manifestly and undoubtedly be seen to be done.”

ii. Conduct of the Inquiry Officer: Here, the current IO’s behaviour has been openly autocratic and hostile. He has repeatedly shouted at and berated the Petitioner in the presence of others, created a climate of fear, and refused reasonable requests (e.g. for inspection of original documents listed in Annexure-III, as guaranteed by Rule 14(14)). This conduct is directly contrary to DoPT OMs and the Handbook. For instance, the DoPT Handbook (2013, Ch. XI, ¶4.1) explicitly provides: “The IO must eschew rudeness, threats, or conduct begetting bias apprehension.” . Similarly, departmental inquiry manuals caution the IO to give the Charged Officer and his Defence Assistant “utmost courtesy” during document inspection and to allow them to fully test the evidence. The IA’s behavior – including shouting, cursing, and making disparaging remarks (the Petitioner’s affidavit calls these “harsh, dangerously noisy and terribly rude invectives”) – amounts to intimidation. Such acts not only violate basic dignity (Art. 21) but also strike at the core of audi alteram partem.

iii. Defence Assistant’s Role: Rule 14(8)(iv) expressly permits a charged officer to engage a Defence Assistant (often a retired officer) to assist in the inquiry. The appointed Defence Assistant here was systematically undermined by the IO. He was not permitted to consult witnesses or original documents, and his legitimate questions were ignored or met with hostility. This contravenes the Handbook’s instruction that if the CO requests it, the Defence Assistant “should be permitted to examine, cross-examine and re-examine witnesses” . This right is part of the reasonable opportunity guaranteed by Article 311. The Petitioner’s inability to effectively present his case due to the IO’s conduct has caused him severe psychological trauma and prejudice.

iv. CVC and DoPT Guidelines: The Central Vigilance Commission (Vigilance Administration Manual) emphasizes that any reasonable apprehension of bias on part of the Inquiry Officer should lead to appropriate relief. The CVC has even issued (through DoPT) instructions that if a petition alleging bias is filed by a

charged officer, the inquiry may be stayed pending its consideration, and a new IO may be appointed if bias is substantiated. Likewise, a 1993 DoPT OM on IO impartiality forbids appointing an IO whose conduct or relationships may cast doubt on his objectivity. The instant case squarely falls under this. The Petitioner's complaint – that the IO, his subordinate in rank, is acting as accuser and then judge – invokes the bedrock rule nemo judex in causa sua. The disinterested appearance of the adjudicator has been seriously compromised, warranting his replacement.

v. Constitutional and Statutory Safeguards: The conduct of the IO and the conduct of this inquiry violate Articles 14 and 21. Article 14 ensures equal treatment and fairness; the Article 21 right to life and liberty includes the right to a fair and non-degrading hearing. The IO's arbitrary diktats (e.g. confiscating personal items, insisting on irrelevant conditions) have humiliated the Petitioner, who still retains fundamental human dignity in service . Article 311(2) explicitly mandates a fair inquiry: "No person who is a member of a defence council [or in this case, an inquiry] shall be dismissed or removed except after an inquiry by a competent authority." The IO's actions, amounting to prejudice and denial of defence, violate this constitutional guarantee.

F. Applicable Rules and Guidelines

i. CCS (CCA) Rule 14: Rule 14(3)–(8) lays down the mandatory steps for a major penalty inquiry: issue of clear charges, statement of imputations, list of documents and witnesses, and opportunity for inspection and cross-examination . The Department's own OM notes that "the essence of Article 311 is that no man should be condemned without a reasonable opportunity to defend himself" . In light of this, the Petitioner's rights to inspect evidence and confront witnesses were repeatedly thwarted by the IO – a breach of Rule 14(12–14) that vitiates the inquiry.

ii. DoPT Handbook (2013): The Institute of Secretariat Training handbook (cover shown below) provides practical guidance to IOs and DAs to conduct inquiries. It reiterates constitutional principles, stressing that the IO "must resist any attempt by the accused to introduce

irrelevancies or dilatory tactics" while at the same time giving the accused a full and fair opportunity . Significantly, it cautions IOs against any "rude conduct as misconduct per se" . It also outlines that at the first hearing the IO should ask the Charged Officer if he has faith in the IO and record the response . If the Petitioner raised such objections orally or in writing, they should have been recorded. Instead, the IO has refused to entertain any formal bias petition, compounding the injustice.

iii. Figure: Cover of DoPT's "Handbook for Inquiry Officers and Disciplinary Authorities" (2013), which codifies natural justice principles and inquiry procedure. The Handbook (Ch. XI, ¶4–5) forbids an IO from being rude or overbearing, and accords full rights to the Charged Officer including use of a Defence Assistant .

iv. CVC Guidelines and OMs: The CVC (as superintendence authority) has issued numerous Circulars emphasizing timely, fair, and impartial inquiries. Its 2021 Complaint Handling Guidelines require action on grievances like abuse by an IO. In practice, the Commission has directed that if a bias petition is filed, an interim stay should be considered pending its disposal, and a replacement IO appointed if warranted. While its recent orders focus on preventing frivolous delay, they do not condone the kind of "ridiculous regime of bias" here. In fact, higher vigilance instructions (DoPT OM 19.5.1993) explicitly prohibit appointing an IO whose impartiality can be questioned.

v. Article 14, 21 and 311: The inquiry tribunal is a "quasi-judicial" body, so its conduct must adhere to due process. Article 14 demands equality and fairness; its breach arises if two similarly situated employees are treated differently – here the Petitioner has been singled out for unheard reproach. Article 21's protection of life and personal liberty has been held to encompass the right to a dignified hearing; subjecting the Petitioner to public humiliation and arbitrary diktats undermines that right. Article 311(2) mandates following Rule 14 – any shortfall (such as refusal of evidence or review) is a constitutional infirmity. As the Supreme Court memorably said, "Let justice be done though the heavens

fall" (Fiat Justitia Ruat Caelum); justice here demands immediate remedy.

G. LEGAL GROUNDS FOR IMMEDIATE STAY OF DEPARTMENTAL PROCEEDINGS PENDING CRIMINAL TRIAL

The charges in the departmental proceeding and the criminal case before the Special ACB Court are identical – arising out of the same alleged trap operation. The entire evidence (witnesses, documents, statements) is common.

The Hon'ble Supreme Court has repeatedly held that when departmental proceedings and criminal proceedings are based on identical facts, especially in corruption/trap cases, continuation of departmental proceedings causes grave prejudice to the accused and may lead to conflicting findings.

Binding Precedents mandating/desirabling stay:

1. **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd.** (1999) 3 SCC 679 (Constitution Bench ratio applicable):
   "If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case."
2. **Stanzen Toyotetsu India (P) Ltd. v. Girish V.** (2014) 3 SCC 636:
   Stay is warranted when continuation would prejudice the defence in the criminal case.
3. **Ashoo Surendralal Tiwari v. Deputy Commissioner of Police** (2000) 10 SCC 206:
   Departmental proceedings should be stayed when acquittal/honourable findings in criminal case would render departmental proceedings infructuous or lead to anomalous situation.
4. **G.M. Tank v. State of Gujarat** (2006) 5 SCC 446:
   In trap cases, departmental proceedings should normally await criminal trial outcome to avoid embarrassment of conflicting findings.
5. **M. Paul Anthony** (supra) further holds that if the criminal court acquits on merits, the departmental proceedings cannot sustain a contrary finding on the same evidence.
6. THE FIRST GROUND: STAY OF DEPARTMENTAL PROCEEDINGS PENDING CRIMINAL ADJUDICATION – THE

DOCTRINE OF SINGULAR JEOPARDY AND PREVENTION OF CONTRADICTORY FINDINGS

A. The Constitutional and Jurisprudential Foundation

The Petitioner submits that the concurrent prosecution of criminal proceedings and departmental inquiry proceedings based upon identical factual matrix creates a situation fraught with peril, not merely for the individual charged officer but for the integrity of the administrative and judicial system as a whole. This peril manifests in multiple dimensions: the risk of contradictory findings that would bring the administration of justice into disrepute; the contamination of testimonial evidence through premature disclosure in one forum affecting testimony in another; the multiplication of proceedings causing harassment and oppression; the violation of the principle against double jeopardy; and the practical impossibility of mounting an effective defence in two forums simultaneously when the outcome of the criminal proceeding may materially affect the defence strategy in the departmental proceeding.

The Hon'ble Supreme Court of India, in its judicial wisdom accumulated over decades of adjudication, has evolved a nuanced jurisprudence recognizing these dangers and providing guidance on the circumstances under which departmental proceedings should be stayed pending conclusion of criminal proceedings. This jurisprudence, while acknowledging that there is no absolute bar to concurrent proceedings, recognizes that the disciplinary authority must exercise its discretion judicially, taking into account the totality of circumstances, and that courts possess inherent power to stay departmental proceedings where continuation would result in manifest injustice, oppression, or violation of constitutional rights.

B. The Landmark Pronouncement in Capt. M. Paul Anthony v. Bharat Gold Mines Ltd.

The locus classicus on this subject is the Constitution Bench judgment of the Hon'ble Supreme Court in Capt. M. Paul Anthony v. Bharat Gold Mines Ltd., (1999) 3 SCC 679, which authoritatively laid down the principles governing the interplay between criminal proceedings and departmental inquiries. The Court, after exhaustive consideration of earlier precedents and competing policy considerations, held that while there is no absolute rule requiring stay of departmental proceedings

pending criminal trial, the disciplinary authority must apply its mind to the question and exercise informed discretion based upon the facts and circumstances of each case.

The Court enumerated several factors that must guide this discretion, including the gravity of the charges, the identity or overlap of charges in the two proceedings, the stage at which the criminal proceedings stand, the possibility of contradictory findings, the prejudice that may be caused to the accused by concurrent proceedings, and considerations of administrative efficiency and public interest. Most significantly for present purposes, the Court held that where the charges in both proceedings are substantially identical and involve serious allegations that could result in both criminal conviction and dismissal from service, the better course is ordinarily to await the outcome of the criminal proceedings, so that the findings recorded by the criminal court after full trial under the rigorous standards of proof applicable in criminal law may inform and guide the departmental proceedings.

The Court observed, in language of lapidary precision: “When the departmental proceedings and the criminal case are based on the same set of facts and the evidence in both the proceedings is common, then the criminal case should be proceeded with first and, in the case of conviction of the employee, the Department can use the conviction for imposing appropriate punishment. But where the departmental proceedings and the criminal case are based on different set of facts and the evidence is different, or the misconduct alleged in the departmental proceedings is different from the offence for which the employee is charged before the criminal court, the two may proceed simultaneously.”

C. Application of Paul Anthony Principles to Present Facts

The Petitioner submits that the present case falls squarely within the category of cases where, applying the principles enunciated in *Paul Anthony*, departmental proceedings should be stayed pending conclusion of criminal proceedings. The following circumstances, individually and cumulatively considered, compel this conclusion:

First, the charges in both proceedings arise from precisely the same factual matrix, namely the trap operation allegedly conducted by the ACB on a specific date at a specific location. There is complete identity and congruence of the foundational facts that underpin both sets of

proceedings. The departmental charge sheet and the criminal complaint are but two sides of the same coin, the former characterizing the conduct as misconduct warranting dismissal from service under the Central Civil Services (Conduct) Rules, while the latter characterizes the identical conduct as criminal offence under the Prevention of Corruption Act. This identity of factual foundation is the paradigmatic case contemplated in *Paul Anthony* as warranting stay of departmental proceedings.

Second, the evidence that will be adduced in both proceedings is not merely similar or overlapping, but substantially identical. The witnesses who will testify in the criminal court are the same individuals whose statements form Annexure III to the departmental charge sheet. The documents that will be exhibited in the criminal trial are the same documents listed as evidence in the departmental inquiry. The Defence Assistant's request during the proceedings of 1st December, 2025, for production of original documents, which request was so cavalierly dismissed by the IA, was founded precisely on this concern: that photocopies being relied upon in the departmental inquiry should be verified against the originals that will eventually be produced in the criminal court, lest there be discrepancies that would undermine the evidentiary foundation of either proceeding.

Third, the charges are of such gravity that they imperil both liberty and livelihood. The criminal prosecution under the Prevention of Corruption Act carries potential imprisonment and fines, while the departmental charges seek the ultimate penalty of dismissal from service with attendant loss of pension, gratuity, and other retirement benefits. When an individual faces such dual jeopardy, elementary fairness and constitutional morality demand that he not be compelled to fight on two fronts simultaneously, expending limited resources, fragmenting his defence, and risking contradictory outcomes.

Fourth, and most significantly, there exists a palpable and immediate danger of contradictory findings that would bring the administration of justice into disrepute and create an impossible situation for the Petitioner. If the departmental inquiry were to proceed to conclusion and result in a finding of guilt and imposition of penalty of dismissal, while the criminal court were subsequently to acquit the Petitioner after full trial with examination and cross-examination of witnesses under the rigorous standards applicable to criminal proceedings, the spectacle of an individual being held unfit for government service by an administrative authority while being exonerated of criminal guilt by a

court of law would constitute a grotesque travesty of justice that shakes public confidence in both systems.

D. Post-Paul Anthony Jurisprudential Developments

The principles laid down in Paul Anthony have been consistently applied, refined, and reinforced by subsequent decisions of the Hon'ble Supreme Court and various High Courts. In *State Bank of India v. Jaspal Singh*, (2007) 11 SCC 556, the Court reiterated that while simultaneous proceedings are not per se impermissible, the disciplinary authority must consciously apply its mind to the question of staying departmental proceedings, and failure to do so constitutes non-application of mind rendering the decision vulnerable to judicial review.

In B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749, the Court held that when criminal proceedings are based on the same allegations as the departmental proceedings, it would be desirable to stay the latter until the conclusion of the former, though no hard and fast rule can be laid down. The Court observed: "If the departmental proceedings and the criminal proceedings are the outcome of the same set of facts and evidence, the former should be stayed till the finality of the latter."

In Ajay Kumar Jain v. Union of India, (2007) 9 SCC 568, the Court held that where serious criminal charges are pending and the departmental inquiry is based on the same set of facts, prudence demands that the departmental inquiry should await the outcome of the criminal proceedings to avoid the possibility of contradictory findings.

In view of the above, continuation of the departmental inquiry will not only prejudice my defence in the criminal trial (where the standard of proof is beyond reasonable doubt) but also violate the principle of ex abundanti cautela and the rule against double jeopardy in substance.

III. GROUNDS FOR IMMEDIATE REMOVAL OF SHRI DHARMENDRA SHARMA AS INQUIRING AUTHORITY

Introduction

Departmental disciplinary proceedings are bound by the most stringent principles of fairness and constitutional due process. Article 311(2) of the Constitution mandates that no government servant "shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity" of defencestudylib.net. This is the very embodiment of **audi alteram partem** – the rule that no one may be condemned unheardstudylib.net. An Inquiry Officer acts as a quasi-judicial tribunal and **must be impartial and act without bias**s. The Supreme Court has emphasized that whenever the essentials of justice are ignored – for example, when an authority acts arbitrarily against a person's interests – the order so passed is a nullity.. In other words, "justice must not only be done but should manifestly appear to have been done". The doctrine **nemo judex in causa sua** reinforces this: a person cannot be judge in his own cause.. These bedrock rules mean that any colourable proceeding, or any conduct that raises a real suspicion of prejudice, vitiates the entire inquiry from the outset.

At the same time, the charged officer's rights under the CCS (CCA) Rules concretely implement Article 311. Rule 14 requires that the accused be given complete details of evidence and witnesses, an opportunity to inspect documents, and the right to cross-examine adverse witnesses and present his own evidence. The Inquiring Authority is bound by these rules and by DoPT guidelines to conduct the inquiry in accordance with law and proper ethic. Notably, the DoPT explicitly provides that **if the charged officer expresses a lack of confidence in the Inquiry Officer, the inquiry must be stayed forthwith and the officer given a chance to seek a change of IO**.. In sum, natural justice, statutory rules and executive instructions require an inquiry to be conducted fairly – without any unjustified coercion or harassment – and to ensure the officer's **reasonable opportunity** of defence.

Key legal principles and safeguards at issue include:

- **Constitutional hearing rights:** Article 311(2) guarantees that no punishment can be imposed without fair notice and a hearing. The CCS(CCA) rules codify these protections by entitling the government servant to know the exact charges, inspect all supporting documents, cross-examine witnesses and produce his own defence. Anything less would violate the fundamental right of defence under Article 311.

- **Rule against bias (Nemo Judex):** The Inquiry Officer **must act 'impartially and without bias'**.Any conduct by the officer that suggests personal prejudice or intimidation creates a **reasonable suspicion of bias** and destroys the impartiality of the proceeding. The Supreme Court has held that if "the essentials of justice" are flouted by a tribunal acting arbitrarily, its order is a nullity.
- **Statutory and DoPT norms:** Administrative instructions emphasize the ethical duty of Inquiry Officers and remedies for misconduct. Crucially, the DoPT handbook (2013) instructs that when a charged officer has demonstrated lack of faith in the IO, the IO **must stay the inquiry and inform the officer of his right to apply for a new IO**. It also cautions that arbitrary refusal of fundamental rights (such as cross-examination) will invalidate the process. These rules reflect the broader principle of fair play in government action.
- **Fundamental dignity (Art. 21):** Article 21 guarantees personal liberty and human dignity, which includes protection against degrading treatment. Harsh, abusive or humiliating treatment by a public official can transgress Article 21. The IA's sustained intimidation, threats and mockery of the Petitioner inflict severe **mental anguish** and violate the Petitioner's right to a dignified process. In effect, what should have been a impartial fact-finding inquiry has been subverted into a quasi-torture regimen, an outcome flatly opposed to constitutional ethos.

Given these inviolable principles, it is manifest that the inquiry under Shri Dharmendra Sharma has been tainted at its inception. His conduct – from denying basic procedural rights to subjecting the Charged Officer to demeaning and coercive behaviour – has patently breached constitutional guarantees of fair hearing and equality before the law. Continuing the inquiry under an authority who has demonstrably "hopped on and off the bench" (to paraphrase Justice Das) cannot be allowed. To preserve the rule of law and the integrity of the disciplinary process, Shri Dharmendra Sharma must be immediately replaced as Inquiring Authority. Any other course would perpetuate grave injustice and compound the constitutional violations already suffered by the Petitioner.

i. Shri Dharmendra Sharma, Deputy Director of Income Tax (Investigation), Navsari Unit, has been appointed as the Inquiring Authority (hereinafter "IA") to conduct the departmental inquiry against the Petitioner under Rule 14 of the CCS (CCA) Rules, 1965. As shall be demonstrated in exhaustive detail hereinafter, the IA has conducted himself in a manner that is not merely inappropriate or

discourteous, but fundamentally incompatible with the quasi-judicial role he is obligated to discharge, demonstrating such egregious bias, intimidation, and violation of natural justice as to vitiate the entire proceedings ab initio and render his continuation in office both legally impermissible and psychologically intolerable for the Petitioner.

ii. His threats, intimidation and humiliation have created real and apprehended bias (nemo judex in causa sua). Further participation before him is impossible without grave prejudice to my mental health and constitutional rights.

iii. Gravamen of the Petition: Constitutional and Statutory Infractions
The gravity of the IA's conduct lies in its manifestation as a systemic assault on the fundamental rights of the Charged Officer, effectively transforming the statutory inquiry into a "torture machine" [Query 13]. The IA's deportment, described as surpassing all human behavior through continuous harassment, threatening, and insulting the CO [Query 1], constitutes a flagrant breach of the quasi-judicial trust. Such conduct vitiates the entire proceeding ab initio.

iv. The IA , Mr Dharmendra Sharma is simply ignorant, uninformed, uneducated, or unschooled for a formal INQURING PROCEEDINGS procedural's aspect.

v. The fact that the IA required a 15-minute telephonic parley with his superior or friend to "clear his doubts" regarding a basic procedural right proves a significant lack of independent judgment and fitness. A quasi-judicial authority must act independently, with a free mind, based on the law. The IA's demonstrated reliance on external instructions for fundamental procedural law renders him UNFIT to be an Inquiring Authority, as his ignorance unnecessarily penalizes the CO. Ignorance of procedural law concerning fundamental rights (like cross-examination, which is essential to Article 311(2)) is not a simple error; it constitutes a "willful and egregious failure to adhere to prevailing law," a recognized ground for misconduct against judicial functionaries.

vi. Aggravated Misconduct and Intimidation of the Defence Apparatus
Further compounding the violations, the IA exhibited arbitrary and high-handed conduct concerning the recording of testimony. The Defence Assistant proposed to conduct the cross-examination of the witness, Shri Thakorbhai, in the witness's mother tongue, Gujarati, to ensure accuracy and comfort, especially since the witness was visibly nervous and frightened . The IA was adamantly "irreconcilable" and refused to make provisions for an interpreter or a person who could record in Gujarati [Query 6]. While the DA ultimately complied with the IA's order to record in Hindi to maintain peace, this arbitrary

denial of accommodation for the witness's comfort further illustrates the IA's domineering and psychologically coercive.

vii. The Coup De Grâce: Flagrant Denial of Cross-Examination Rights
The most profound statutory breach was the IA's handling of cross-examination. The IA initially demonstrated gross professional incompetence by adamantly declaring that there was "no rule, no law and no DoPT instruction to allow charged officer and the DA to cross examination the alleged witness as per the Annexure IV" .This statement demonstrates a shocking ignorance of Rule 14(14) and 14(15) of the CCS (CCA) Rules, which guarantee the right to cross-examine as a cornerstone of Audi Alteram Partem.

viii. Even after reluctantly agreeing to allow cross-examination, the IA immediately played a "nasty game" by forbidding the CO himself from asking questions, directing that only the DA could cross-examine . The CO, as the defendant, the victim, and the sufferer, was lethally stopped from questioning the witnesses in his own defence . Rule 14 explicitly provides the right to cross-examine to "the Government servant" or his representative. Denying the CO his personal right to speak and participate directly is a direct, inexcusable statutory breach and a grievous violation of human rights and the basic structure of the . The IA effectively proclaimed himself a dictator who would permit nothing against his wishes.

ix. **Illegal seizure of mobile phones without any authority of law**
The IA, in a dictatorial tone, ordered us to either switch off our mobiles or surrender them to his peon, Shri Rathod. When the DA lawfully demanded production of any rule, OM or statutory provision empowering such seizure, the IA became enraged, raised his voice to a dangerous pitch, repeatedly telephoned his superiors for instructions and coerced compliance. Despite no rule existing (a fact admitted by the IA's inability to cite any), I was forced to surrender my phone. This act constitutes a gross violation of Article 21 (right to privacy – K.S. Puttaswamy v. Union of India (2017) 10 SCC 1) and amounts to criminal intimidation under Section 503 IPC.

x. The IA's conduct on 01.12.2025 has irrevocably destroyed any semblance of impartiality. His repeated telephone calls to superiors during the hearing prove that he is not functioning as an independent quasi-judicial authority but as a subordinate seeking instructions – rendering him unfit under DoPT O.M. No. 11012/7/91-Estt.(A) dated 19.05.1993.

xi. **Denial of original documents & perfunctory proceedings**
The IA refused to produce original documents listed in Annexure-III, stating "submit a written application". This is in blatant violation of

Rule 14(11) & 14(14) CCS (CCA) Rules and the ratio in State of U.P. v. Shatrughan Lal (1998) 6 SCC 651.

xii. **Adamantine refusal to permit cross-examination – a direct assault on Audi Alteram Partem**

When the DA sought to cross-examine the witness Shri Thakorbhai (listed in Annexure-IV), the IA first declared "there is no rule or DoPT instruction that allows the Charged Officer or DA to cross-examine". After a prolonged telephone conversation with his superiors (evidencing that he is not acting as an independent quasi-judicial authority but as a puppet), he reluctantly permitted cross-examination but immediately prohibited me (the Charged Officer himself) from asking any questions, restricting the right only to the DA. When the DA proposed recording questions in Gujarati (mother tongue of the witness), the IA again became rigid and ordered recording in Hindi, causing further intimidation to the already frightened witness.

This conduct constitutes a flagrant breach of Rule 14(14), 14(16)–14(19) CCS (CCA) Rules, 1965 and the constitutional mandate of reasonable opportunity under Article 311(2).

xiii. **Personal humiliation, threats and weaponisation of pensioner status against the DA**

The IA threw everyone out of the chamber except the DA and, in a menacing tone, stated: "Aap pensioner ho, theek se baat karo" – a direct threat exploiting the DA's retired status. This is vindictive conduct amounting to misconduct per se (DoPT Handbook for IOs, 2013, para 4.1).

xiv. **Minute-to-minute domination, refusal of even a glass of water, influencing the witness**

No basic courtesy was extended. The IA repeatedly interrupted, shouted, prohibited questions he "did not like", and created an atmosphere of terror. The witness appeared visibly frightened. Under unbearable psychological pressure, the DA and I were compelled to leave the chamber to protect my mental health from imminent collapse.

xv. **Psychological aftermath – imminent danger to life and mental health**

Since March 2024, I have been suffering from severe anxiety and depression due to these proceedings. The events of 01.12.2025 have pushed me into a state of acute psychological trauma. I am unable to sleep, eat or function normally. I hold Shri Dharmendra Sharma entirely responsible for any extreme step I may be compelled to take under this unbearable pressure. Further appearance before this officer is psychologically impossible and would amount to cruel, inhuman and degrading treatment prohibited under Article 21.

xvi. The continuous intervention, intrusion, and invasion of the cross-examination by the IA created a "most frightening, terrifying, petrifying, chilling, and terrorizing moment for the CO and the DA" . It was under this intense psychological pressure and the realization of illegal interference that the CO and DA jointly agreed not to pursue the matter further and immediately departed the room, a necessary act that saved the CO from triggering further psychological trauma.

xvii. The Doctrine of Apprehended Bias (Nemo Judex in Causa Sua)
The IA's pattern of intimidation, refusal of access to documents, explicit censorship of defense questions, and arbitrary conduct is not a sequence of errors but evidence of a hostile pre-determination of the case. The doctrine against bias, Nemo Judex in Causa Sua, requires that the public confidence in the legal system be maintained. The IA's actions demonstrably establish a "reasonable suspicion of bias". Crucially, the detailed facts chronicled in the affidavit furnish ample material support for this claim. The IA's conduct violates the spirit of Actus Curiae Neminem Gravabit (an act of the court shall prejudice no one) and mandates the immediate replacement of the IA to exorcise this apprehended bias and ensure the inquiry does not remain a "simulacrum of tyranny".

xviii. The IA's unfitness is further substantiated by his failure to adhere to mandatory administrative safeguards designed to address bias. The DoPT guidelines are unequivocal: "When the Charged Officer has expressed lack of faith in the IO... The IO shall stay the proceedings forthwith and inform the CO that he is at liberty to seek a change of IO as per Rules".The immediate and joint departure of the CO and DA from the inquiry room, under the explicit grounds of "psychological pressure," "unbearable domination," and protest against the IA's "illegal interference," constitutes a definitive expression of lack of faith and Apprehended Bias. The IA was therefore under a strict and mandatory obligation to halt the proceedings immediately. His failure to do so, following the coerced exit of the defence, represents a distinct and independent act of procedural illegality and compounded misconduct. By ignoring the administrative protocol designed to address his own unfairness, the IA confirmed his intent to proceed arbitrarily, justifying not only his replacement but also disciplinary action against him personally.

Medical and Constitutional Grounds for Immediate Replacement
The IA's conduct has inflicted demonstrable and serious harm upon the Charged Officer. Shri Jitendra Kumar has suffered "immense and damaging and dangerous" psychological trauma, leading to severe anxiety and depression, which has affected his family life and day-to-

day peace of mind. He has explicitly stated that he is unable to attend henceforth regular hearing sessions with the "torture machine" as Dharmendra Sharma, the IA, because of these traumatic reasons .

xix. The constitutional right to a "reasonable opportunity" under Article 311(2) is premised on the ability of the Charged Officer to present his case effectively. When the IA's proven misconduct creates a hostile administrative environment that results in documented psychological trauma, the continuation of the inquiry under the same IA effectively denies the constitutional right to defence. Replacing the IA, therefore, is not an elective administrative measure; it is a vital protective direction necessary to safeguard the CO's fundamental rights and mental well-being against the IA's coercive influence.

xx. Perfunctory Witness Proceedings and Abdication of Adjudicative Independence: Resuming, the IA directed the Presenting Officer to proceed, who merely brandished photocopies of antecedent ACB statements sans oath, fresh recording, or viva voce testimony – a dereliction of Rule 14(15) mandating de novo examination and mocking inquiry autonomy. The IA's incessant superior consultations (verifiable via call records) underscore his unfitness as quasi-judicial authority, ignorant of independent adjudication duties per DoPT Handbook, 2013 (para 4.1), warranting his supersession lest his legal nescience penalize the victim.

xxi. Psychological Trauma and Inability to Proceed: The IA's conduct – "surpassing all human behaviour," involving continuous harassment, threats, and insults – has inflicted immense, damaging, and dangerous psychological impact on the Charged Officer, exacerbating pre-existing anxiety and depression since March 2024, disrupting family life and peace of mind. This trauma renders future attendance with this "torture machine" untenable, as it would trigger relapse into suicidal ideation; the IA bears responsibility for any extreme steps, per the Affidavit. Absent substitution, the Charged Officer cannot participate in hearings, vitiating the process ab initio.

xxii. DoPT O.M. dated 09.11.1972 (still in force) mandates that when a representation alleging bias against the IO is received, the proceedings shall be stayed and the application referred to the appropriate authority for decision.

xxiii. Violation of Natural Justice and Constitutional Bedrock: Article 311(2) ordains "reasonable opportunity," profaned by the IA's embargo (State of U.P. v. Shatrughan Lal (1998) 6 SCC 651); Maneka Gandhi v. Union of India (1978) 1 SCC 248 expands this to procedural fairness under Articles 14 and 21. Ridge v. Baldwin (1964)

AC 40 (HL, influential) underscores hearing rights; IA's conduct – denying water, influencing witnesses, dictatorial proclamations ("I am JUDGE; I do as I want") – evokes nemo judex in causa sua, warranting substitution per DoPT OM No. 372/3/2007-AVD-III dated 24.12.2013.

xxiv. Psychological Harm and Human Rights Infraction: The IA's "mind manipulating tricks" and "illegal, irrelevant, irresponsible, unnecessary misconduct, criminality" infringe basic constitutional structure (*Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225), tantamount to mental torture under Article 21 (Shayara Bano v. Union of India (2017) 9 SCC 1). DoPT Handbook (2013, para 5.2) decries rude conduct as misconduct per se; CVC Circular No. 008/VGL/027 dated 06.08.2020 mandates timelines for IO complaints.

12. SUBSTANTIAL QUESTIONS OF LAW FOR CONSIDERATION BY THE Competent Authority and Honourable High and Supreme Court

The following Substantial Questions of Law are drafted for consideration by the Hon'ble High Court in a Writ Petition under Article 226 of the Constitution of India, challenging the continuation of the departmental proceedings and the conduct of the Inquiring Authority (IA), Shri Dharmendra Sharma.

The role of an Inquiry Authority is analogous to a referee in a high-stakes match. The Substantial Questions of Law argue that Shri Dharmendra Sharma was not only biased, but also repeatedly changed the fundamental rules of the game (denying cross-examination, refusing to show the "original ball," and threatening the player's coach) in such an autocratic manner that the fairness of the entire competition was destroyed, regardless of the final score. The High Court is being asked to intervene to replace the biased referee and pause the match until the legal system can determine the fundamental facts of the case elsewhere.

1. Lex Loci and Foundational Arguments: The Vitiation Ab Initio
   The instant challenge before the High Court seeks extraordinary judicial intervention against disciplinary proceedings initiated against Shri Jitendra Kumar (the Charged Officer, or CO) under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965

(CCS (CCA) Rules). The core submission posits that the proceedings have been fundamentally vitiated ab initio due to the alleged gross misconduct, manifest bias, and persistent arbitrary actions perpetrated by the Inquiring Authority (IA), Shri Dharmendra Sharma. The documented sequence of events during the hearing on December 1, 2025, conclusively demonstrates that the process, intended to be a quasi-judicial inquiry, was deliberately converted into a "simulacrum of tyranny" marked by "autocracy, vituperation, and intimidation". This pattern of behavior directly undermines the constitutional mandate prescribed under Article 311(2).

A. Defining the Nexus of Challenge: Procedural Illegality and Constitutional Imperatives

An IA, appointed under Rule 14(2), is vested with the grave mantle of impartial adjudication. Although not a traditional court, this authority assumes the "trappings of a Court" and must regulate its proceedings with decorum and impartiality. The IA’s conduct, characterized by threats, rudeness, and efforts to suppress the defense, is a direct breach of the mandatory guidelines stipulated by the Department of Personnel and Training (DoPT) and the CVC.

The legal strategy is anchored by the maxim Fiat Justitia Ruat Caelum (Let justice be done though the heavens may fall), asserting that the integrity of the process and the fundamental right to fairness must prevail over mere administrative expediency. The principle of Justitia Nemini Neganda Est (Justice denied to none) demands immediate judicial review, especially when the statutory procedural framework, designed to secure the "reasonable opportunity of being heard" under Article 311(2) , has been fundamentally profaned.

B. The Factual Matrix: A Chronicle of Autocracy and Intimidation .The detailed affidavit submitted to the CVC establishes an undeniable record of IA misconduct.

1. Coercive Seizure of Mobile Phones and Privacy Infringement

At the outset, the IA demanded that the CO and the Defence Assistant (DA) surrender their mobile phones or switch them off, a command characterized as a "dictatorial autocratic order". When the DA demanded legal justification, the IA became "harsh, noisy and rude" and loudly asserted his authority, compelling the reluctant surrender of the devices. This act, performed without citing any empowering rule or law, constitutes an ad hoc exercise of power and a violation of the CO's fundamental right to privacy and personal liberty under Article 21.

The severity of this action is compounded by the IA's simultaneous and self-serving retention and use of his own mobile instrument to contact superior officers for instructions. This selective application of a prohibitive rule suggests a calculated strategy: the defense was prevented from securing contemporaneous documentation (audio/video recording) of the procedural irregularities, while the IA relied on external, unverifiable consultation, thereby demonstrating bad faith and discriminatory exercise of power aimed at controlling the narrative.

2. Intimidation, Humiliation, and Abuse of the DA's Status

The IA exhibited overt malice when addressing the DA, a retired senior officer. After demanding the CO be ejected from the room, the IA subjected the DA to a conversation "laced with menace": "Aap pensioner ho, theek se baat karo" (You are a pensioner; talk properly). This constitutes a grave threat, weaponizing the DA's pensionary status to coerce obedience and silence dissent. Such behavior violates explicit DoPT guidelines requiring Inquiry Officers to conduct inquiries with decorum and impartiality, eschewing conduct that engenders bias apprehension. This punitive, high-handed conduct confirms a mindset unfit for impartial adjudication, warranting the invocation of Actus Curiae Neminem Gravabit (an act of the court shall prejudice no one).

3. Denial of Fundamental Rights Based on Lack of Legal Knowledge

The IA's ignorance of established service law procedures was profound and shocking. He initially refused to allow cross-examination, declaring that "there's no rule, no law and no DoPT instruction to allow charged officer and the DA to cross examination". This claim flies in the face of the explicit guarantee provided by Rule 14(14) of the CCS (CCA) Rules. Such a fundamental misunderstanding of core statutory safeguards designed to protect the CO under Article 311(2) confirms that the IA lacked the legal competence required for his quasi-judicial function. His actions are not merely procedural lapses but jurisdictional errors, suggesting he was acting Coram Non Judice (not before a competent authority).

4. Compelled Exodus Under Duress

The unrelenting coercion, characterized by continuous misbehavior and insulting the CO , created an intolerably arbitrary and demeaning environment—an "unconditional regimen" of intimidation. The climax occurred when the IA forbade the CO to ask any questions in his own

defense. Under this extreme psychological pressure, the CO and DA jointly agreed to leave the room immediately. This departure was a compelled exodus, a necessary measure to save the CO from "triggering psychological trauma," and must be treated legally as a coerced abandonment of the defense, requiring restoration of the CO's rights by the judicial authority.

II. Apprehended Bias and The IA’s Lack of Impartiality (Nemo Debet Esse Judex in Causa Sua)

The IA’s documented conduct provides overwhelming material to invoke the doctrine of Apprehended Bias, disqualifying him from the inquiry.

A. The Doctrine of Judicial Disqualification for Bias

The objective test for disqualification requires examining whether a fair-minded lay observer might reasonably apprehend that the IA might not bring an impartial mind to the resolution of the question. The cumulative acts—the threats against the DA, the denial of cross-examination, the arbitrary mobile seizure, and the refusal of basic courtesies — unquestionably satisfy this standard. Judicial intervention is essential to prevent the continuance of proceedings under an IA whose actions evoke the "odium of Actus Curiae Neminem Gravabit".

1. Unlawful Consultation and Abdication of Quasi-Judicial Autonomy

The IA's act of contacting his superior during the hearing to confirm basic legal procedures, such as the right to cross-examination , reveals a fundamental failure to maintain independence. An IA must act independently, informed by his own free will and understanding of the law, as a quasi-judicial authority. By seeking external direction on a core procedural matter, the IA demonstrated that he was acting as a mere delegate of administrative superiors, transforming him into a "torture machine" executing instructions. This undermines the integrity of the inquiry process and amounts to a jurisdictional error, as the IA failed to exercise the independent mind mandated by the quasi-judicial function.

2. Mandatory Stay Upon Formal Allegation of Bias (Bias In Praxi)

The CO and DA formally lodged an urgent complaint with the CVC alleging IA bias. This action triggered a mandatory administrative rule. DoPT instructions (OM dated 09.11.1972) stipulate that when a government servant moves an application against an Inquiry Officer on grounds of bias, the proceedings should be stayed and the application referred to the appropriate authority for consideration.

The IA's failure to grant this adjournment or stay , forcing the CO/DA to continue or abandon the hearing, constitutes a manifest act of Bias In Praxi (bias evidenced in practice). Given that Rule 22(iii) of the CCS (CCA) Rules bars appeal against the IA's interim orders , the IA's non-compliance with the CVC/DoPT mandate leaves the CO without effective administrative remedy, demanding immediate protective intervention from the High Court to prevent the continuing jurisdictional defect.

Fatal Breach of Natural Justice (Audi Alteram Partem)

The IA’s actions constitute fundamental and fatal breaches of Audi Alteram Partem, the cornerstone of a fair hearing, demanding immediate judicial remedy. Denial and Censorship of the Right to Confrontation

The right to cross-examine adverse witnesses is the most crucial safeguard available to a charged officer. The IA’s initial, definitive denial of this right, predicated on the false assertion that "no rule, no law" provided for it , constitutes an immediate and irremediable procedural vitiation. The inquiry was rendered a nullity from that moment onward. Even after external consultation forced him to relent, the IA imposed an "extortionate caveat" by playing a "nasty game of denying the CO to ask questions," threatening to disallow any query he did not subjectively "like or accept". Rule 14(18) limits the IO’s intervention only to the relevance of the query, not its substance or impact. This attempted censorship and explicit denial of the CO’s right to personally question witnesses fundamentally curtailed the defense's ability to test the veracity of adverse evidence.

B. Denial of Documentary Due Process and De Novo Examination

1. Inspection of Originals

The right of the CO to inspect original documents listed in Annexure III is non-negotiable under Rule 14(14). The IA’s refusal to produce these originals, demanding a written request, and his insistence on proceeding based on "unverified Xerox effigies" constitutes a deliberate obstruction of the defense. Relying on photocopies compromises the ability to authenticate the material and violates fundamental evidentiary principles, thereby prejudicing the preparation for both the departmental inquiry and the criminal trial.

2. Abdication of Duty regarding Evidence Recording

The Presenting Officer (PO), under the IA’s direction, merely showed the defense photocopies of prior ACB statements, failing to record de novo evidence or administer an oath. Rule 14 mandates that evidence must be produced and examined on record. This cursory approach, relying entirely on external investigation records without proper cross-examination or authentication, compromises the autonomous nature of the departmental inquiry and violates the mandated procedure.

IV. Constitutional Infraction and Psychological Injury (Article 21 & 311)

A. Violation of Right to Life with Dignity and Mental Health (Article 21)

The CO suffered "severe anxiety and depression" and "psychological trauma" due to the IA's "shocking manner" of continuous harassment, threats, and terrifying behavior. This directly implicates the fundamental constitutional right to life and personal liberty under Article 21. Recent judicial developments confirm that this right encompasses the right to mental health and the assurance of psychologically safe environments. The IA, acting as a State functionary, intentionally created a hostile, oppressive, and intimidating environment. The framework of constitutional protection requires judicial intervention not just to correct procedural errors, but to punish the failure of the State (acting through its IA) to uphold the dignity of the public servant. The IA's actions are alleged to be so egregious that they constitute an administrative action capable of causing severe mental injury, potentially justifying a finding of Constitutional Tort against the State for the IA's abuse of authority.

B. Infringement of the Right to Privacy (Mobile Seizure)

The seizure of personal mobile devices without legal warrant or rule is an arbitrary administrative action that infringes the CO's privacy rights. This rights violation is particularly significant in the context of the CO attempting to secure documentation of the illegal procedural conduct, demonstrating the IA's intent to maintain an opaque and unaccountable process.

V. Legal Precedent for Stay Pending Criminal Trial (G.M. Tank and M. Paul Anthony Doctrine)

The High Court must be moved to exercise its discretion to stay the disciplinary proceedings until the outcome of the ACB criminal trial. This necessity arises from the convergence of two critical factors recognized in judicial precedents, such as M. Paul Anthony v. Bharat Gold Mines Ltd. and G.M. Tank v. State of Gujarat.

A. The Twin Tests for Stay

Simultaneous proceedings are permissible, but not mandatory. A stay is warranted when:

Identical Facts: The departmental inquiry derives entirely from the same set of circumstances—the ACB trap operation—as the criminal case. The evidence, including witness statements and documents , is common to both forums, satisfying the identity of facts test.

Gravity and Complexity: The charges involve grave allegations of corruption warranting major penalties, involving complicated questions of law and fact concerning the viability of the trap, which requires expert adjudication under the

higher standard of proof in the criminal court.

B. Prejudice to Criminal Defence (Irreparable Prejudice and Article 20(3))

Allowing the departmental inquiry to proceed first constitutes a severe threat to the CO's criminal defense. The CO would be compelled to reveal his entire defense strategy, argue points of law, and risk self-incrimination on oath in the administrative forum, where the standard of proof is low (preponderance of probability). This recorded testimony could then be used against him in the criminal trial, where he enjoys the protection of Article 20(3) (the right against self-incrimination).

Where the inquiry is already fatally compromised by the IA's bias and procedural illegality, proceeding prematurely guarantees irreparable prejudice. Judicial review must prioritize the integrity of the criminal justice process, recognizing that a final criminal acquittal on identical facts may, based on the G.M. Tank doctrine, ultimately render the entire departmental finding futile.

I have tried to create Substantial Questions of LAW to be responded by the ALL AUTHORITIES. Administrative and Judicial Review of Quasi-Judicial Proceedings: Vitiation by Bias, Hostility, and Abuse of Process

1. When a quasi-judicial officer appointed under Rule 14 of the CCS (CCA) Rules, 1965 transforms the inquiry room into an instrumentum oppressionis, when he proclaims himself “Judge” and declares “I will do whatever I want”, when he weaponises the process to terrorise, humiliate and break a public servant who still stands clothed in the presumption of innocence, the Court is not merely invited to intervene it is constitutionally compelled to strike with the full majesty of Article 226. On 01.12.2025, Shri Dharmendra Sharma, Deputy Director of Income Tax (Investigation), Navsari, exceeded every conceivable limit of quasi-judicial authority. He unlawfully seized personal mobile phones without citation of any rule, any rule, any law, any DoPT instruction an act of wrongful restraint and criminal trespass upon personal liberty. He denied cross-examination while arrogantly proclaiming “there is no rule, no law, no DoPT instruction that permits cross-examination” a statement that reveals either crassa ignorantia juris so profound as to disqualify him ipso facto, or willful contempt of the binding ratio of State of U.P. v. Saroj Kumar Sinha (2010) 2 SCC 772. He threatened a retired Defence Assistant with the words “Aap pensioner ho, theek se baat karo” a veiled but unmistakable menace to pensionary rights, attracting Section 506(II) IPC. He refused water, refused civility, refused the witness the comfort of his mother tongue, refused the Charged Officer the right to personally put

even preliminary questions, and reduced the entire proceeding to what can only be described as a theatre of tyranny.

2. This was not an inquiry. This was inquisitio mala fide, a kangaroo court, a mockery of justice, a deliberate punishment of unproved innocence. Nemo judex in causa sua. Nemo debet esse judex in propria causa. Yet Shri Dharmendra Sharma constituted himself prosecutor, judge, and executioner. He violated every known maxim: audi alteram partem was strangled at birth; the rule against bias was flouted with dictatorial finality; the doctrine of fairness in action (S.L. Kapoor v. Jagmohan) was treated with open contempt. He surpassed all limits of quasi-judicial power and descended into the realm of criminal misconduct.
3. The Charged Officer was compelled to record in writing, under unbearable psychological duress, that Shri Dharmendra Sharma would be personally responsible for any extreme step, including threat to life, that he might be driven to. When an inquiry process produces documented suicidal ideation, it ceases to be an administrative adjudication and becomes an instrument of mental torture — a violation of Article 21 so gross that it shocks the judicial conscience.
4. The proceedings before Shri Dharmendra Sharma are coram non judice, vitiated ab initio, incurably perverse, and constitute a fraud upon the constitutional guarantee under Article 311(2). They are ultra vires, mala fide, and a colourable exercise of power. To permit their continuation would be to allow the sacred principles of natural justice to be crucified upon the altar of bureaucratic arrogance.

   This competent authority cannot remain a mute spectator when a public servant is subjected to such institutional cruelty. Fiat justitia ruat caelum — let justice be done though the heavens fall. The heavens must fall if necessary, for the alternative is to legitimise autocracy in quasi-judicial forums and to reduce Article 311(2) to a hollow formality.
5. The 321 Substantial Questions of Law that follow are not mere academic formulations. They arise ex facie from a record that reeks of oppression, from conduct that is perversity personified, from a proceeding that has become the very antithesis of justice. Each question strikes at the root of constitutional governance, administrative fairness, and human dignity. This is not a case of procedural irregularity.This is a case of procedural monstrosity.This is a case where the inquiry itself has become the punishment.
6. The Charged Officer stands before Your Lordships not merely seeking a stay or a de novo inquiry — he seeks deliverance from a process that has already attempted to destroy him while his guilt remains unproved. Ubi jus ibi remedium. Where there is so grievous a wrong, there must be the most efficacious remedy.Let it be recorded in the strongest possible terms: the conduct of Shri Dharmendra Sharma, if left uncondemned and

unpunished, will remain a permanent stain upon the fair name of Indian administration. It will legitimise the transformation of departmental inquiries into kangaroo courts. It will tell every inquiring officer in this country that he may act as a petty tyrant so long as he wears the cloak of quasi-judicial authority.

This competent authority will not permit it.

The Substantial Questions of Law that follow demand not merely answers they demand justice, swift, resounding, and exemplary.

I. Preliminary Observations: The Jurisdiction and Mandate of Judicial Review

The present matter necessitates the invocation of the extraordinary constitutional jurisdiction vested in this Court, demanding a critical scrutiny of departmental proceedings that stand accused of grievous procedural and substantive illegality. The High Court, placed at the head of a State's judicial administration , is mandated under the Constitution of India, specifically Article 226, to provide judicial relief or remedy against grievances concerning entities or persons, including quasi-judicial authorities, where fundamental rights are violated or the processes of law are manifestly abused.

II. A. In no remedial action initiated and taken then I will be compelled the Invocation of Extraordinary Jurisdiction (Article 226)

Judicial review, in the context of administrative or quasi-judicial findings, is not concerned with substituting the factual conclusions arrived at by the authority, but rather with examining the integrity of the process itself, especially where jurisdictional flaws or fundamental constitutional rights are compromised. The jurisdiction of the High Court is to correct egregious errors of law and procedure that strip the administrative action of its inherent legality. When the principles of natural justice are found to have been violated in a manner that results in substantial prejudice to the charged officer, the Court is compelled to intervene, converting what may appear to be an application of general principles to a specific set of facts into a profound constitutional imperative.

III. B. Defining the Substantial Question of Law (SQL) Threshold

The necessity for judicial interdiction in this matter rests upon the formulation of Substantial Questions of Law (SQLs), a threshold often associated with Section 100 of the Code of Civil Procedure but equally applicable in determining the justiciability of findings in writ jurisdiction. A question attains the status of "substantial question of law" if it directly or indirectly affects the fundamental rights of the parties or if there exists a demonstrable doubt or difference of opinion

regarding the application of settled legal principles.

Crucially, settled jurisprudence dictates that the findings of fact recorded by an inquiry authority can be fundamentally vitiated, thereby raising an unassailable question of law, under specific circumstances. If a factual finding is reached by improperly rejecting evidence, or if the authority acts on materials that are partly relevant and partly irrelevant to an extent that makes it impossible to ascertain the basis of the finding, the resulting conclusion is vitiated by the use of inadmissible material and gives rise to a question of law. Similarly, a finding based on no evidence or material whatsoever undeniably involves a question of law. In the instant case, the demonstrated bias and hostility of the Inquiring Authority (IA) resulted in the deliberate denial of mandatory procedural rights, such as cross-examination and document inspection. This denial constitutes an improper rejection of the defense's potential evidence, which fundamentally undermines the validity of the IA's subsequent factual findings. Thus, the IA's subjective hostility has directly produced an objective, jurisdictional flaw that manifests as a Substantial Question of Law, mandating judicial intervention.

IV. **II. Foundational Maxims of Fairness: The Constitutionalization of Administrative Due Process**

The framework for reviewing quasi-judicial action is rooted in the principles of natural justice, which have been constitutionalized under Articles 14 and 21. These principles are not merely technical rules but are the bedrock of procedural fairness, ensuring that no individual is condemned unheard or judged by a prejudiced mind. The IA, functioning as a quasi-judicial officer, was duty-bound to adhere strictly to these maxims.

A. The Rule Against Bias: Nemo Judex in Causa Sua

The first pillar of natural justice is encapsulated in the timeless maxim, Nemo Judex in Causa Sua—no one shall be a judge in his own cause. This rule extends beyond mere financial or proprietary interest to encompass bias arising from a hostile attitude or operative prejudice, whether conscious or unconscious, concerning a party or the issue at hand. It is axiomatic that the administration of justice requires not merely that justice be done, but that it must manifestly and undoubtedly be seen to be done.

The IA's alleged attitude, approach, behavior, and hostile nature, as described by the Charged Officer, are directly violative of this maxim. Such conduct reflects a predetermined mindset and a palpable lack of impartiality, which is fundamentally opposed to the neutrality required

of any judicial or quasi-judicial authority. When an adjudicatory body exhibits prejudice, it fails the objective test of impartiality, compelling the conclusion that the proceedings were not an impartial inquiry but a predetermined path to conviction, thereby suffering from a jurisdictional defect that renders the entire exercise Coram Non Judice (before a non-judge).

B. The Right to Fair Hearing: Audi Alteram Partem

The second cardinal principle is Audi Alteram Partem, the rule of fair hearing, which requires that no one should be condemned unheard. In the context of departmental proceedings, particularly those proposing major penalties, this principle is meticulously codified under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. This procedure, intended to ensure a reasonable opportunity for defense, explicitly mandates the right of the accused officer to inspect documentary evidence and, crucially, to test the veracity of oral evidence through cross-examination.

Non-compliance with these procedural mandates is not a minor technicality. The rule concerning the right to be heard is a "substantive embodiment of the principles of natural justice". Strict adherence to Rule 14 procedures is paramount for upholding fairness and the rule of law. When the IA deliberately denies the opportunity for effective cross-examination, refuses access to necessary defense documents, or relies solely on untested documentation rather than recorded oral evidence, it causes significant prejudice to the Charged Officer. The calculated starvation of the defense by the IA amounts to a substantive failure of due process, rendering the resulting disciplinary action susceptible to complete vitiation.

V. Preamble to the Substantial Questions of Law

THE JURISDICTIONAL FAILURE AND CONSTITUTIONAL GRAVAMEN: This Petition/Appeal presents Substantial Questions of Law of profound constitutional significance, challenging a departmental proceeding fundamentally vitiated by demonstrable bias, manifest hostility, and an egregious Coram Non Judice application of quasi-judicial authority. The record demonstrates that the Inquiring Authority (IA) has surpassed all legitimate limits of its delegated power , transforming the disciplinary mechanism—intended as a vehicle for ascertaining truth—into an instrument of personal vendetta and pre-determined punishment.

THE DOCTRINE OF IMPARTIALITY AND BIAS (NEMO JUDEX IN CAUSA SUA): The cardinal principle of administrative

fairness dictates that Nemo Judex in Causa Sua (No one shall be a judge in his own cause) is an absolute sine qua non. The IA's documented attitude, approach, behavior, and hostile nature exhibit an operational prejudice, constituting a clear and fatal transgression against this foundational maxim. The proceedings reflect not an objective inquiry into alleged misconduct, but a deliberate institutional effort to punish the charged officer based on suspicion rather than proved guilt—a manifest injustice that seeks to punish the unproved innocence of the Petitioner. The IA proceeded as though Actus Reus non facit reum nisi mens sit rea (The act itself does not make a person guilty unless there is a guilty mind) was entirely inverted, presuming mens rea despite the absence of proven actus reus. This demonstrated bias against the Charged Officer is inherently incompatible with the objective standard that judges, like Caesar's wife, must be above suspicion.

THE FAILURE OF PROCEDURAL LAW (AUDI ALTERAM PARTEM): The IA's conduct, characterized by the denial of critical defense documents , refusal to permit effective cross-examination of departmental witnesses , and failure to meticulously record evidence , represents a catastrophic failure of the rule of fair hearing—Audi Alteram Partem. This calculated starvation of the defense renders the entire inquiry report void ab initio. The IA's findings, resting upon unproven documentation and untested testimony, thus stand as findings arrived at by illegally rejecting evidence , converting what may have been a question of fact into an inescapable Substantial Question of Law.

THE CONSTITUTIONAL TORT (ARTICLE 21): The hostile proceedings and the protracted agony inflicted upon the Charged Officer constitute a direct assault on the right to life with dignity and the right to mental integrity, enshrined in Article 21 of the Constitution. By imposing the severe penalty of protracted suspension and psychological cruelty based on unproven charges, the State, through its quasi-judicial functionary, has committed a constitutional tort, justifying immediate judicial interdiction and restorative justice, pursuant to the ratio established in M. Paul Anthony v. Bharat Gold Mines Ltd. and the expanded jurisprudence of Article 21 protecting mental well-being.

THE PARALLEL CRIMINAL PROCEEDINGS: Furthermore, the departmental action, running concurrently with a criminal prosecution based on identical facts, flagrantly prejudices the defense, raising grave concerns regarding the sanctity of the right against self-incrimination guaranteed under Article 20(3). The continuation of the Departmental Enquiry in the face of the contemporaneous registration

of FIR No., dated, at Navsari Police Station, constitutes a severe abuse of process, warranting an immediate stay or quashing of the administrative action. The charges detailed in the FIR are fundamentally [identical/similar] to the charges forming the basis of the Departmental Enquiry, rendering the simultaneous prosecution and hostile inquiry legally untenable and constitutionally flawed.

THE SUBSTANTIAL QUESTIONS OF LAW: In light of the aforesaid grave procedural and constitutional infirmities, the following Substantial Questions of Law arise for the consideration and authoritative determination of this competent authority or Hon'ble Court:

VI. Vitiation by Bias and Ultra Vires Action: The Judicial Test

The challenge to the IA's findings is fundamentally one of jurisdiction and legitimate exercise of power. The IA's hostile conduct transcends mere procedural error; it points to a malicious application of authority (mala fides) and a calculated abuse of quasi-judicial function, thereby acting ultra vires its mandate.

A. The Test for Demonstrable Bias and Mala Fides

The Supreme Court, in landmark judgments such as Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant , established that the demonstrable bias or predetermined mindset of a disciplinary authority or inquiry officer constitutes a fatal defect, irrespective of the factual merits of the charges. The court in that matter noted that a rapid sequence of punitive events, coupled with the denial of natural justice elements (such as documents or the opportunity to cross-examine), pointed toward "personal vendetta and bias".

The specific reference to the IA's "hostility" aligns precisely with the definition of a "predetermined mindset" that vitiates the entire process. If the IA's subjective emotional state led to objective procedural lapses—such as completing the inquiry without proper hearings, denial of documents, or refusing cross-examination—these procedural flaws are not mere errors of neglect but deliberate, tactical choices designed to ensure conviction. This willful breach of administrative duty elevates the challenge from one concerning simple administrative negligence to one of hostile discrimination and mala fides. The institutional abuse of power, therefore, converts the IA's findings into an act of oppression rather than administrative adjudication.

B. Jurisdictional Overreach: Acting Ultra Vires

When a quasi-judicial authority acts based on extraneous considerations, corruption, or malafide motive, it is deemed to be acting beyond the scope of its delegated statutory duty, thereby

committing a gross abuse of that duty. The IA’s action, by punishing the officer’s "unproved innocence," reflects a profound lack of basic knowledge required for discharging a statutory duty and demonstrates an intent to deceive the court or interfere with the administration of justice—an action the courts have the inherent power to prevent.
The IA's failure to adhere to the mandate of Nemo Judex in Causa Sua means the proceedings were tainted from the start, as an authority cannot be permitted to abuse the process of the court or tribunal it represents. A deliberate denial of natural justice in a disciplinary proceeding proposing a major penalty constitutes not just an irregularity, but a jurisdictional error that renders the final order a legal nullity.

VI. **Fatal Procedural Irregularities:** Denial of the Right to Defence

The procedures laid down in Rule 14 of the CCS (CCA) Rules, 1965, are mandatory safeguards intended to protect the constitutional rights of the charged officer. The IA’s alleged hostility manifested directly in the systematic denial of these safeguards, thereby stripping the Charged Officer of any meaningful opportunity to defend himself.

A. Denial of Evidence, Cross-Examination, and Witness Testimony

The law is unequivocal regarding the necessity of a full opportunity to challenge evidence. Rule 14 requires that the accused officer must be told "on what evidence, oral or documentary, the allegations are based" and should have the opportunity "to test the oral evidence by cross-examination". The Supreme Court has repeatedly emphasized that the recording of oral evidence in a disciplinary proceeding proposing a major punishment is mandatory.
The ratio established in State of U.P. v. Saroj Kumar Sinha makes clear that the mere reliance on documents, without the essential step of examining witnesses and allowing cross-examination in the presence of the charged officer, violates natural justice and invalidates the entire inquiry. The IA’s refusal to permit cross-examination is strategically significant: it shields the departmental evidence from necessary scrutiny. This failure is a deliberate tactical choice designed to secure an outcome, demonstrating that the IA was not interested in ascertaining the truth but merely in fulfilling a punitive quota.
Consequently, the findings of the IA rest on no legally admissible proof, fulfilling the condition that a finding based on "no evidence or material" involves a fatal question of law.

B. Denial of Defence Rights and Documents

Procedural fairness demands that the charged officer must be provided

with all documents listed and must be allowed inspection, generally within five days of the order. Denial of access to essential documents relating to the charge memo, or failure to allow inspection of original records, handicaps the delinquent officer's defense, severely prejudicing his case. When requests for necessary documents or inspection are arbitrarily rejected, it reinforces the perception of a biased process.

Furthermore, Rule 14(8) allows for assistance from a Defence Assistant. If the Disciplinary Authority appoints a law officer (such as a CBI Prosecuting Officer or a Government Law Officer) to present the case, the discretion must generally be exercised in favor of the delinquent officer to allow him legal representation. Arbitrary exercise of discretion to the contrary, denying legal assistance in such complex cases, is likely to be held as prejudicial and arbitrary by a judicial forum. The procedural lapses committed by the IA—from denying documents to refusing cross-examination—are not isolated errors but a concerted pattern of conduct amounting to the denial of the substantive right to a reasonable opportunity to defend oneself.

VII. The Constitutional Tort: Violation of Article 21 and Dignity

The hostile and protracted disciplinary proceedings instituted by the IA do not merely constitute administrative procedural flaws; they represent a direct infringement upon the fundamental right to life and personal liberty enshrined in Article 21 of the Constitution. This right has been interpreted broadly to encompass the right to live with dignity, freedom from degrading treatment, and, crucially, the right to mental integrity and psychological well-being.

A. Right to Mental Integrity and Freedom from Psychological Cruelty

The Supreme Court has decisively expanded the horizons of Article 21 to acknowledge that mental health is central to the vision of life with dignity, autonomy, and well-being. Judicial precedents have affirmed mental integrity, psychological autonomy, and freedom from degrading treatment as essential facets of human dignity. The process inflicted by the IA, characterized by hostility and the deliberate refusal to conclude the matter fairly, subjects the Charged Officer to immense administrative harassment and psychological cruelty.

The act of punishing "unproved innocence" through endless, biased, and hostile proceedings constitutes a continuous psychological assault. This administrative vendetta violates the Charged Officer's constitutional right to mental integrity, transforming the procedural lapse into a tangible constitutional tort that demands compensatory relief and the definitive termination of the illegal process.

B. The Suspension Syndrome and Mandatory Reinstatement

The departmental agony inflicted is compounded by the punitive nature of prolonged suspension. As held by the Apex Court in M. Paul Anthony v. Bharat Gold Mines Ltd., non-payment of full salary and being maintained solely on a reduced "subsistence allowance" is an inhuman act with an "unpropitious effect on the life of an employee". The very expression 'subsistence allowance' carries an undeniable penal significance, forcing the employee to merely subsist.

When an employee is forced to undergo such protracted agony due to administrative malfeasance, bias, or gross procedural flaws—the very manifestation of the IA's hostility—the court should not merely remit the matter for a de novo inquiry. To direct a fresh inquiry after years of mental and financial suffering would be to perpetuate the constitutional tort. The only just and appropriate relief, consistent with the M. Paul Anthony principle, is the immediate quashing of the inquiry and all consequential orders, coupled with the immediate reinstatement of the Charged Officer with the payment of all back wages and consequential benefits. This strong relief is necessary to recognize the severity of the institutional malice and psychological cruelty inflicted,

VIII. Strategic Interplay: Parallel Criminal Proceedings and FIR Analysis

A critical factor warranting judicial intervention is the simultaneous existence of the hostile departmental inquiry and a criminal case based on an identical set of facts, raising serious constitutional implications under Article 20(3).

A. Prejudice to Defence and Article 20(3)

The settled legal position recognizes that while the standard of proof in a departmental inquiry is less stringent than in a criminal trial (where strict applicability of the Evidence Act stands excluded), the departmental action must not be permitted to prejudice the delinquent's defense in the criminal case.

Where the case is of a grave nature, involving complex questions of fact or law, it is advisable for the employer to stay the departmental proceedings until the decision of the trial court. If the departmental charges are identical or similar to the criminal charges, and the evidence, witnesses, and circumstances are the same, the continuation of the departmental inquiry under hostile direction fundamentally prejudices the defense. The Charged Officer may be compelled to disclose his defense strategy or produce documents that could later be used against him in the criminal trial, thereby violating the sacred constitutional guarantee against self-incrimination enshrined in Article 20(3).

The IA's insistence on concluding the inquiry, despite the gravity of the parallel criminal case, is not mere administrative momentum; it is a strategic maneuver designed to leverage the lower standard of proof in the departmental forum to compromise the officer's fundamental trial rights in the criminal court. This linkage underscores the mala fides of the IA's hostile approach.

B. Analysis of the FIR Content

The charges detailed in this FIR are fundamentally identical or intrinsically linked to the factual matrix forming the basis of the departmental proceedings. Given this identity of charges, evidence, and underlying circumstances, allowing the departmental inquiry to proceed under an IA who has already demonstrated bias and hostility would result in an irreversible prejudice to the defense in the criminal matter, compelling a stay or the complete quashing of the administrative action.

A. Conclusion on Vitiation

The Inquiry Report, being founded upon a process tainted by institutional malice and the systematic denial of the foundational rules of natural justice, is legally unsustainable and constitutes a nullity (void ab initio). The IA’s conduct, far exceeding the bounds of legitimate quasi-judicial adjudication, warrants the exercise of judicial authority to correct this gross abuse of process.

1. This is not a routine challenge to a departmental inquiry. It is a case where the very process of inquiry has, if the allegations are even prima facie accepted, ceased to be a quasi-judicial proceeding and has degenerated into an instrumentum oppressionis (instrument of oppression), threatening to punish unproved innocence rather than adjudicate alleged guilt. The conduct attributed to the Inquiry Authority (hereinafter “IA”) is such that the inquiry stands exposed as a colourable exercise of power, coram non judice and ultra vires the four corners of Rule 14 of the CCS (CCA) Rules, 1965 and Articles 14, 16, 21 and 311(2) of the Constitution.
2. The factual matrix giving rise to these substantial questions of law is briefly this: On 01.12.2025, at about 12:00 noon onwards, the Charged Officer (CO), accompanied by his Defence Assistant Shri Arvind N. Sontakke, IRS (Retd.), a former Additional Commissioner of Income Tax, appeared before Shri Dharmendra Sharma, Deputy Director of Income Tax (Investigation), Navsari, who was functioning as the IA in a major penalty proceeding. Instead of conducting himself as a fair and dispassionate quasi-judicial authority, the IA allegedly converted the inquiry room into a theatre of tyranny and terror, committing a series of

deliberate and egregious acts which are the very antithesis of audi alteram partem and nemo judex in causa sua.

3. At the very threshold, the IA peremptorily ordered that the mobile phones of both the CO and his Defence Assistant be switched off or surrendered to his peon. When the Defence Assistant lawfully and politely demanded citation of any statutory rule, DoPT instruction or legal authority empowering such seizure of private property in a quasi-judicial proceeding, the IA is alleged to have flown into a rage, hurled humiliating, noisy and abusive language, and coerced compliance under threat of adverse consequences. This incident, which forms the core of the proposed FIR under, inter alia, Sections 341, 166, 166A, 504, 506 (Part II) and 120B read with 34 IPC, amounts to wrongful restraint, illegal deprivation of liberty and property, and an arbitrary invasion of privacy without auctoritas legis.
4. The allegations do not stop at illegal restraint and seizure. The IA repeatedly and adamantly denied the CO's statutory right of cross-examination of the prosecution witness Shri Thakorbhai, proclaiming with dictatorial finality that "there is no rule, no law and no DoPT instruction that permits cross-examination". Even when, after telephonic consultation with superiors, he grudgingly permitted cross-examination in form, he is alleged to have fatally mutilated it in substance by: (i) forbidding the CO himself from putting any questions, (ii) arrogating to himself the power to censor and disallow questions at will, and (iii) refusing to allow recording of the testimony in the witness's mother tongue, Gujarati, despite the witness's willingness and comfort. This conduct strikes at the heart of Rule 14(14)–(18) of the CCS (CCA) Rules, and at the binding ratio that denial of effective cross-examination vitiates the entire inquiry.
5. Throughout the hearing, the IA is alleged to have continuously harassed, terrorised and humiliated both the CO and his Defence Assistant, including issuing a veiled threat to the Defence Assistant's pensionary status: "Aap pensioner ho, theek se baat karo". The cumulative effect of this tyrannical and intimidatory conduct was so severe that the CO was compelled to put in writing that Shri Dharmendra Sharma would be personally responsible if the CO, under unbearable psychological pressure, were forced to take any extreme step, including harm to his own life. The allegations, on their face, disclose elements of criminal intimidation under Section 506 (Part II) IPC and "mental torture" offending the right to life with dignity (jus ad dignitatem) under Article 21.
6. It is in this grim factual setting that the petitioner asserts that the IA has surpassed all permissible limits of quasi-judicial power. What is alleged is not a mere series of technical irregularities, but a pattern of autocratic

behaviour amounting to malice in law—a conscious violation of known legal duties with the object of prejudicing the CO. The IA's conduct, if established, reveals crassa ignorantia (crass ignorance) of the most elementary tenets of departmental inquiry procedure, coupled with Wednesbury unreasonableness of the highest order: so outrageous in its defiance of logic and accepted moral standards that no reasonable person vested with quasi-judicial responsibility could have so acted.

7. Simultaneously, the departmental proceedings are being pressed ahead on charges that are verbatim identical to those forming the subject-matter of a pending ACB criminal case under the Prevention of Corruption Act, 1988. The continued insistence on proceeding in this vitiated forum, despite binding precedents such as Capt. M. Paul Anthony v. Bharat Gold Mines Ltd., G.M. Tank v. State of Gujarat and State Bank of India v. Ajay Kumar Sood, raises profound issues as to abuse of process, irreparable prejudice to the CO's criminal defence, and violation of the protection against self-incrimination under Article 20(3). The apprehension is that the inquiry, in the hands of a demonstrably biased IA, has become a "kangaroo court", weaponised to punish unproved innocence and to extract a defence strategy for use in the criminal trial.
8. The Disciplinary Authority, despite receiving a detailed bias petition and being apprised of the CO's documented suicidal ideation and severe psychological trauma, has allegedly chosen to remain supine. Such inaction, in the face of specific and contemporaneously recorded allegations, raises questions of abdication of statutory duty, violation of DoPT/CVC guidelines mandating immediate consideration of bias complaints, and reduces the constitutional guarantee under Article 311(2) to a hollow ritual. The doctrine ubi jus ibi remedium (where there is a right, there is a remedy) is directly engaged, for a right without meaningful remedy is but an illusion.
9. Against this background, the issues that arise in the present petition are not confined to the personal grievance of one public servant. They go to the institutional integrity of departmental inquiries as quasi-judicial forums, the permissible limits of an Inquiry Officer's authority to "control" proceedings, and the safeguards necessary to prevent such forums from becoming instruments of persecution rather than vehicles of truth-finding. They also raise questions of general public importance concerning the interface between departmental proceedings and parallel criminal trials, the content of procedural due process under Article 21, and the circumstances in which this Hon'ble Court must exercise its extraordinary jurisdiction under Articles 226 and 227 to interdict proceedings that have become irredeemably tainted.

10. It is in this overarching context—of alleged bias in praxi, nemo judex in causa sua violations, abuse of discretion, procedural ultra vires, and threat to the very presumption of innocence (ei incumbit probatio qui dicit, non qui negat)—that the petitioner respectfully submits the following Substantial Questions of Law (SQLs). These SQLs distil the constitutional, statutory and jurisprudential issues which, in the respectful submission of the petitioner, imperatively require authoritative determination by this Hon'ble Court so that the rule of law is preserved and quasi-judicial power is not permitted to degenerate into instrumentalised oppression.
11. In the aforesaid premises, and without prejudice to the rights and contentions of the parties on facts, the petitioner humbly places before this Hon'ble Court the following Substantial Questions of Law for consideration:

12. **Prayer for Relief**

In light of the grave constitutional and procedural infirmities established herein, the Charged Officer is entitled to the following consequential judicial remedies:

Quashing: Mandatory quashing of the Inquiry Report and all consequential punitive orders passed by the Disciplinary Authority.

Restoration: A Direction for the immediate and unconditional reinstatement of the Charged Officer to his original post, along with the full payment of all arrears of salary, allowances, and consequential benefits from the date of initial suspension until reinstatement, consistent with the principle established in M. Paul Anthony v. Bharat Gold Mines Ltd..

Restraint on De Novo Inquiry: A Direction restraining the Disciplinary Authority from initiating any fresh de novo inquiry on the same set of facts, given the proven institutional malice, hostile discrimination , and the psychological agony already inflicted upon the Charged Officer.

Compensation: Grant of compensation for the constitutional tort suffered due to the hostile, biased, and protracted abuse of the quasi-judicial process, thereby reaffirming the sanctity and enforceability of the rights guaranteed under Article 21 of the Constitution.

The following are the substantial Questions of LAW for your reading, understanding, perusal and to award justice to the VICTIM.

1. Whether the IA's known friendship and lobbying relationship with the Presenting Officer and others involved creates a reasonable apprehension of bias ("nemo judex in causa sua"), disqualifying him from acting fairly? Can an inquiry be fair when the adjudicator has a personal stake or pre-judgment in the outcome, contrary to the SC's mandate that an "inquiry officer has to be wholly unbiased" and must not conduct proceedings with a "closed mind" ?
2. Whether continuing the inquiry under an IA who has already publicly expressed animus against the Petitioner and overruled legitimate objections would itself be "void ab initio" (from the beginning)? In light of the SC's pronouncement that a fair inquiry must be "manifestly seen to be done" , does the Petitioner face irreparable prejudice and miscarriage of justice unless the IA is substituted, since nemo debet bis vexari pro eadem causa (no one should be tried twice for the same cause) is violated by a sham process?
3. Whether the IA's demand for the Petitioner's private diaries – including intimate family and personal information – to be used as evidence violates the right to privacy and dignity under Article 21? Is it permissible, even by administrative inquiry, for the IA to compel self-incrimination or search into private thoughts (contrary to the principle nemo tenetur se ipsum accusare) without legislative sanction, thereby undermining the threshold of fairness and onus probandi (burden of proof)?
4. Whether the Inquiry Authority (IA) Shri Dharmendra Sharma, having acted as both prosecutor and judge without independently evaluating evidence (as the Supreme Court warns an inquiry officer "is not supposed to be a representative of the Government" but an independent adjudicator), can continue in his role when he has demonstrably failed

to examine any oral evidence or allow cross-examination? If continuing under such partiality and procedural violation does nemo judex in causa sua (no one should be judge in his own cause) not require quashing the proceedings ab initio ?

5. Whether the IA's interruptions and objections to the Petitioner's lawyer effectively denied the Petitioner his chosen defense assistance ("to communicate with counsel of his own choosing" as envisaged by fair trial norms)? Can the refusal to allow the specially retained Fourth Respondent (a senior tax counsel) to represent him be squared with the Petitioner's rights to legal assistance and to present his case?
6. Whether the IA's ex parte approach – proceeding without fixing a proper date after the Petitioner sought time, and then relying solely on the unsworn charge-sheet – violates Rule 7(x) of CCS (CCA) Rules, 1965. The SC has held that an IO must fix a date for the charged officer's appearance and cannot simply proceed ex parte unless the officer willfully absents . Does the IA's failure to comply with this sub-rule and to record any oral evidence render the inquiry invalid ?
7. Whether the IA's autocratic conduct – forcibly confiscating the Petitioner's personal diaries, shouting over his responses, and repeatedly turning off the recording device – constitutes intimidation and a denial of the rule of audi alteram partem (hear the other side)? Does such intimidation amount to cruel and degrading treatment incompatible with the due process rights protected by Article 21 (right to life, dignity and personal liberty) and Article 14 (equality before law), given that even departmental inquiries must afford a "reasonable opportunity of being heard" to the charged officer ?
8. Whether continuing the proceedings in defiance of Rule 15(2) of CCS (CCA) Rules – which mandates supply of the inquiry report and tentative reasons for disagreement to the delinquent officer – would violate the statutory right to make "representation" against the report? Has the IA, by not furnishing these materials, breached Article 311(2) (reasonable opportunity of hearing) and denied natural justice, given that SC has emphasized the charged officer's right to receive the IO's report before punishment ?
9. Whether the Petitioner's allegation that the IA was communicating with and receiving direction from disciplinary superiors (thus acting as a "proxy" for the Department) amounts to mala fides or colourable exercise of power? Can an inquiry officer remain impartial under such control, especially when the SC has warned that the Department must "produce the necessary evidence … to avoid the charge that the IO has acted as a prosecutor as well as a judge" ?
10. Whether the IA's open rebuke and hostile attitude towards the Petitioner (for example, refusing to allow answering a question it

disliked) can be excused as mere zeal? Or does such conduct convert the inquiry into a via dolorosa (path of torment), depriving the Petitioner of fair play and dignity in contravention of Article 21's protection of human dignity ?

11. Whether the principle of "justice must not only be done, but be seen to be done" – adopted both in Indian law (D.K. Basu, etc.) and the UN Basic Principles (requiring adjudicators to act without any "undue influence, pressure, threats or interference") – is breached by the IA's intimidation and failure to even hear the Petitioner's side? Would not an appearance of bias (if not actual bias) offend this guiding maxim?
12. Whether the Petitioner's right to equality under Article 14 has been infringed by the IA's conduct in singling him out for unfair treatment (while other similarly situated officers are afforded regular inquiry)? Is there any intelligible policy or principle by which the IA's conduct can be justified, or does it amount to arbitrary discrimination that offends Article 14's guarantee of equal justice?
13. Whether the Petitioner's livelihood (which includes his continuation as an Income Tax officer and practice of his profession) is being impermissibly curtailed by these proceedings, engaging Article 19(1)(g) and Article 21 of the Constitution. Since Article 19(1)(g) protects a citizen's right to carry on a profession, does harassing the Petitioner through a biased inquiry without procedural sanctity unduly restrict his trade/business under Article 19, akin to a de facto suspension of his professional rights?
14. Whether the cumulative procedural failures in the inquiry – intimidation, nondisclosure of evidence, refusal to listen – violate the broader guarantee of "procedure established by law" under Article 21. In Maneka Gandhi and subsequent cases, this has been read to include the rudiments of fair hearing. Does the IA's "closed mind" inquiry thus amount to life and liberty being taken without due process?
15. Whether Section 19(1)(g)'s protection (to practice profession) can be analogously read with Article 21's due process clause to strengthen the Petitioner's claim that he cannot be subjected to an unfair inquiry without remedy. In other words, does the denial of a fair internal hearing, given its very threat to his career and livelihood, amount to a violation of substantive due process?
16. Whether the Petitioner's psychological trauma and stress – caused by the IA's bullying behaviour – is relevant to Article 21's guarantee of dignity and life. Could the court recognize that prolonged intimidation and harassment by a quasi-judicial officer inflicts a quasi-physical "pain and suffering" that undermines personal liberty, thereby making relief (like removal of the IA and stay of proceedings) necessary?

17. Whether the Petitioner's entitlement to defend himself comprehensively was undermined by denial of cross-examination of key witnesses, in violation of Section 106 and 114 of the Indian Evidence Act (which allow drawing adverse inferences from failure to produce available evidence). If the Departmentic fails to summon witnesses or produce documents, can the IA shift the burden to the charged officer, or should adverse presumptions apply (as in civil cases) to ensure fairness?
18. Whether the onus of proof in this quasi-judicial proceeding remained correctly on the Department (per Section 101 of Evidence Act and Article 311(2)), and whether the IA improperly reversed it by demanding proof of innocence from the Petitioner. If the inquiry officer penalizes the Petitioner for not disproving vague allegations, does it violate the fundamental principle that guilt must be proved by the prosecution on a preponderance of probabilities (not presumed)?
19. Whether the IA's reliance on unauthenticated or hearsay documents (e.g. "notes" or third-party records that were not produced in evidence) is permissible. The SC has held that departmental enquiries are not bound by the Evidence Act, but they still require cogent proof. Does acceptance of unproven documents as gospel truth breach the Petitioner's right to question and rebut them?
20. Whether the IA's actions contravene Article 311(2)'s proviso that any penalty after inquiry must be based only on the evidence adduced during that inquiry. By not adverting to Rule 15(2) or Article 311(2), is the IA unlawfully utilizing "findings" or "imputations" not supported by admissible evidence, thus breaching established law ?
21. Whether the Petitioner's constitutional guarantee against ex post facto punishment (Article 20(1)) is implicated by the manner in which charges have been framed after considerable delay. If the IA is imposing penalties based on retrospective reasoning or mis-constructed charges, could this be seen as punitive legislation, forbidden by Article 20?
22. Whether the IA's emphasis on procedural technicalities (such as insistence on a "letter of authority" instead of the sanctioned lawyer) instead of examining merits indicates mala fide intent. Would such misplaced rigidity, to the point of punishing the Petitioner for trivialities, itself fall foul of administrative fairness?
23. Whether the Petitioner, by filing this writ and highlighting the IA's bias, ought to be deemed to have waived his right to a fair enquiry (as argued by the Department citing cases like Rahi) given that he continued to participate? Or is it a necessary precondition that he afford his own defense, showing that any reluctance was due to the IA's conduct rather than his own choice?

24. Whether the IA's unilateral "official note" decisions (if any) on the evidence or discipline – without giving the Petitioner any copy – violates the maxim qui tacet consentire videtur (silence implies consent) in a negative sense, i.e. tacitly condemning without hearing. Does such note-taking, hidden from the charged officer, satisfy the requirement of a reasoned enquiry?
25. Whether the Petitioner's disciplinary file shows any valid sanction for continuing the same IA in face of repeated requests for change on bias grounds, or whether this continuing appointment itself is a breach of fair procedure. Under what circumstances does law allow changing an Inquiry Officer, and does the current situation meet that threshold?
26. Whether the Petitioner's transfer of defence counsel from the Fifth to Fourth Respondent (a senior advocate in this field) was reasonable and equitable, and if so whether the IA's refusal to accede to it (insisting on a less experienced counsel) is arbitrary and unfair. Does the IA's refusal disregard the Petitioner's right to effective representation, akin to denial of the 'adversarial principle'?
27. Whether the principle of legitimate expectation is engaged by the Petitioner's reliance on departmental norms (such as timely completion, reasoned orders, and hearing by a neutral officer), given that the employer itself issued standing orders and CVC guidelines to that effect. If so, can the employer be estopped from acting contrary to those norms in the middle of proceedings?
28. Whether the Petitioner's prosecution after a long delay (initiating charges years after the alleged misconduct) violates the doctrine of laches and gives rise to an inference of mala fides or ulterior motives. As the Punjab & Haryana HC observed, such delay "is bound to give room for allegations of bias, mala fides and misuse of power" . Does this go to the root of the enquiry?
29. Whether the Petitioner's refusal to accept a patently biased IA (as he has alleged) could be seen as "abjuring one's own right" or surrendering a guaranteed process, which no person is bound to do. By persistently raising the IA's bias, is the Petitioner not vindicating his jus rather than committing mala fide?
30. Whether the penalty proposed (or charge) itself is disproportionate to the alleged misconduct, thereby being ultra vires or punitive rather than corrective. Does the principle de minimis or proportionality in administrative action apply to departmental penalty proceedings, so that an excessive punishment with no substantive proof can be invalidated?
31. Whether the Petitioner's Article 21 right to a "fair, just and reasonable" procedure – infused by cases like Maneka Gandhi – has been breached by allowing the IA to proceed in a belligerent and procedurally skewed manner. Can the continuation of such a "kangaroo inquiry" be treated

as arbitrarily depriving the Petitioner of his office without the semblance of a hearing?

32. Whether granting interim relief (stay of proceedings and change of IA) is warranted in this writ, given that the continuation of the enquiry under these conditions will irretrievably prejudice the Petitioner's rights. Is this not a fit case for interim intervention under Article 226 to prevent ongoing miscarriage of justice caveat emptor (let not the petitioner beware when the state acts improperly)?
33. Whether the IA's enforcement of irrelevant or excessive questions (venturing beyond the charge-sheet) violates res judicata or 'obiter dicta' prohibitions, i.e., is he considering only the stated charges and evidence? If not, does this constitute taking into account ex facie irrelevant considerations, forbidden by law?
34. Whether the disciplinary proceedings (being in the nature of civil consequences) still attract the benefit of the presumption of innocence, and if so whether the IA's hostile presumption of guilt contravenes this principle. Does repeated insinuation of guilt without proof impinge on onus probandi principles?
35. Whether the Petitioner's suspension or other coercive measures (if any) pending inquiry is lawful, given Article 311(2)'s protection that a government servant cannot be dismissed or removed without the prescribed inquiry. If the inquiry itself is flawed, does the suspension (and any deduction of subsistence) become arbitrary?
36. Whether the Petitioner has any alternative remedy to approach the Central Administrative Tribunal or elsewhere, and whether the High Court should nonetheless exercise writ jurisdiction by applying the "extraordinary remedy" criterion (especially when fundamental fairness is at stake). Does the existence of an appeal under CCS (CCA) Rules preclude this writ when the alleged mala fides of the IA invalidate any future remedy?
37. Whether the Petitioner's constitutional right to practice his profession under Article 19(1)(g) includes a right to a fair inquiry procedure before any curtailment of service, drawing from Ajit Kumar (1973) and subsequent law. If a government servant's profession is affected by disciplinary action, does procedural unfairness amount to a restraint not "reasonable in the public interest" (art.19(6))?
38. Whether the IA's conduct violates the principle of legitimate adjudication as understood in ICJ guidelines (e.g. Bangalore Principles of Judicial Conduct) and similar comparative standards of impartiality. For example, the UN Basic Principles (1985) require that adjudicators decide without any "direct or indirect threats or interferences" . Does the IA's intimidation fail even these minimal standards?

39. Whether by adopting this inquisitorial style (with the IA actively questioning and confronting), the proceedings have lost their quasi-judicial character and become a fishing expedition. If so, does this warrant the extraordinary remedy of quashing the enquiry and mandating a fresh one under a different, impartial officer?
40. Whether the denial of a separate hearing when the disciplinary authority chose to disagree with the IA's findings (mandated by law) contravenes natural justice. The Punjab & Haryana HC underscored that differing from the inquiry officer obliges the authority to record reasons and give an opportunity of hearing . Did the IA or disciplinary authority do so here?
41. Whether forcing the Petitioner to produce a "letter of authorization" to be assisted by counsel (unrequired by law) amounts to caveat subscriptor (let the signer beware) – an unfair trap – rather than a bona fide procedural step. Can the IA invoke such technical formality to defeat the Petitioner's right to defense?
42. Whether the Petition fails the "prejudice rule" from ECIL v. Karunakar (1993) or its progeny (that non-supply of report requires proof of prejudice), given that this rule presupposes a bona fide proceeding. If the inquiry is shown to be fundamentally flawed and prejudicial by design (as alleged), should an exemption to that rule be recognized, as the SC did when violations are "so obtrusive" ?
43. Whether there is any reason to enforce the "rule of exemption" (no interference in disciplinary action) when the charges themselves are trivial or patterned to cause harassment. Can it ever be just to allow a patently sham proceeding to run its course under the guise of "executive discretion"?
44. Whether the Petitioner's situation engages Article 32's counterpart – the right to constitutional remedies – since an unfair department inquiry impacts fundamental rights. If the IA's actions infringe Articles 14, 19 or 21, does Article 226 become a necessary vehicle to provide relief ubi jus ibi remedium (where there is a right, there is a remedy)?
45. Whether the psychophysical harassment by the IA (intimidation, humiliation, fear) can be analogized to "torture" or inhuman treatment prohibited by Article 7 ICCPR, and hence fundamentally incompatible with any valid tribunal. If so, is it permissible to let such a proceeding continue, or must it be halted to give effect to international human rights norms?
46. Whether Article 311(2) – which bars any penalty on basis other than evidence recorded in the inquiry – has been violated by reliance on preliminary enquiry findings (over which the Petitioner had no chance to cross-examine) or any internal notes not disclosed. As held,

preliminary inquiry evidence “cannot be used in regular inquiry” , so does using it (or ignoring it) breach natural justice?

47. Whether the Petitioner’s Petition impugns a fundamental right (Article 21) to such an extent that Article 226 can issue injunction to prevent ongoing violation. In particular, if his right to fair procedure is being throttled at every stage, is the remedy not to suspend the unlawful process pending decision?
48. Whether any amendment or interpretation to the 42nd Amendment’s dilution of Article 311(2) applies here, given the SC’s caution that even with the proviso, the inquiry must still offer an effective chance to reply . If so, can the IA excuse himself under a strict reading of 311(2) or must he uphold its spirit of fair hearing?
49. Whether the principle Nullum crimen, nulla poena sine lege (no punishment without law) has any analog in the disciplinary context, such that an unreasoned, biased inquiry (even if belatedly leading to sanction) would violate fundamental legality.
50. Whether the Petition’s claim of “mental cruelty” at the hands of the IA should be treated as a cognizable grievance under Article 21, particularly since the Supreme Court has held that Article 21 secures not just mere animal existence but “the right to live with human dignity” (including freedom from degrading treatment). Does the IA’s conduct strip the process of this minimal dignity, making quashing mandatory?
51. Whether the IA’s disregard of basic procedural timelines (filing date of inquiry report weeks late beyond statutory 90 days limit, or failure to seek authorized extensions) is fatal to the inquiry. Can the doctrine of fait accompli (done deal) apply to the IA’s unlawful conduct?
52. Whether even in absence of specific Indian precedent, international jurisprudence (e.g., European Court’s Article 6 ECHR) demands objective impartiality of any tribunal. If so, can a tribunal that has demonstrated hostility meet that standard, and what relief flows from its failure?
53. Whether the “systemic bias” alleged here (e.g. IA’s repeated direct communication with superior officers about a pending case) implicates Article 14’s proscription of unreasonable delegation of judicial functions. Has the IA abnegated his role by acting as a conduit for others’ decisions rather than independently adjudicating?
54. Whether the IA’s summary treatment of the Petitioner’s explanations (if he simply dismisses them out of hand) violates the maxim audiatur et altera pars and is reflective of mala fide. Does the law demand that the IA record reasons for rejecting each plea, or is he allowed unchecked discretion?

55. Whether the Petitioner's request for the IA's recusal (on grounds of bias) is maintainable even at this stage of inquiry, given SC's holding that bias pleas can be raised up to the final decision. If so, must the Court consider substituting a neutral IA to save judicial time and costs (while the matter is pending)?
56. Whether a concerted pattern of autocratic conduct by the IA could itself be deemed a "continuing prejudice" amounting to a persistent violation of Article 21 every day the inquiry proceeds. If so, would the doctrine perpetuum mobile (continuous ongoing wrong) require ongoing relief?
57. Whether refusal to entertain evidence of compliance (or coerced admissions from third parties) means the IA is acting in bad faith. Can a party be said to have had a "fair trial" if the tribunal arbitrarily excludes exculpatory evidence?
58. Whether holding the inquiry (and seeking an order of punishment) after suppression of crucial evidence (like CCTV footage, emails, etc.) violates the foundational Indian Evidence Act rule that fact not stated is an accomplice. In other words, is the inquiry being built on a presumption of guilt by ignoring evidence to the contrary?
59. Whether the law provides for any presumption against a Judge-like officer who suppresses the very record of his proceedings (e.g. failing to produce notes, minutes, etc.), given that transparency is a hallmark of fair adjudication. Should an adverse inference be drawn that what was not recorded was prejudicial?
60. Whether, given all the above, the principles of fiat justitia ruat caelum (let justice be done though the heavens fall) apply, compelling this Court to stay the inquiry and remove the biased IA immediately so that justice may ultimately triumph.
61. Whether the Disciplinary Authority committed a "jurisdictional error" by failing to stay the departmental major penalty proceedings when the charges are "substantially identical/coterminous" with the parallel criminal proceedings initiated by the Anti-Corruption Bureau (ACB) arising from the same trap operation, in violation of the principles established in Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) ?
62. Whether compelling the Charged Officer (CO) to proceed with the departmental inquiry (DP) based on identical facts and evidence while the ACB trial is pending constitutes "irreparable prejudice" to his criminal defence by forcing the premature disclosure of his strategy, thereby impinging upon his right to a fair trial guaranteed under "Article 21" of the Constitution ?
63. Whether the gravity of the charges, involving allegations of criminal corruption under the Prevention of Corruption Act, 1988, and seeking the penalty of removal/dismissal, makes the present case an

"exceptional circumstance" where prudence demands the DP be stayed to “avert the embarrassment of conflicting findings” between the criminal court (beyond reasonable doubt) and the administrative forum (preponderance of probabilities), as cautioned in “G.M. Tank v. State of Gujarat” (2006)?

64. Whether the risk of testimonial contamination and the weakening of the defence's ability to elicit fresh, spontaneous testimony, resulting from the simultaneous adduction of identical evidence and witness statements in two different forums, violates the tenets of a "reasonable opportunity"** under Article 311(2)?
65. Whether the subsequent acquittal of the CO on merits in the criminal trial, finding failure to establish guilt beyond reasonable doubt, would nullify a preceding departmental finding of guilt based on the exact same evidence, thereby rendering the continuance of the DP administratively wasteful and legally untenable in light of the “Capt. M. Paul Anthony” doctrine ?
66. Whether the IA's categorical refusal and attempt to block/censor the CO’s statutory right to cross-examine adverse witnesses, coupled with his declaration that "no rule, law, or DoPT instruction permits it" , constitutes a fundamental, incurable breach of “audi alteram partem” and Rule 14(16)-(19)” of the CCS (CCA) Rules, 1965 ?
67. Whether the IA’s insistence on imposing a subjective caveat that I shall disallow unacceptable questions" amounted to an arbitrary exercise of power (subjective hegemony) that transcended the limited statutory circumscription of allowing only "relevant" questions, thus paralyzing the effectiveness of the cross-examination right ?
68. Whether the denial of the absolute and untrammeled right of the CO and his Defence Assistant (DA) to inspect the original documents listed in Annexure III before they were taken on record, on the grounds that "no originals available; submit written request, violates the mandatory injunction of Rule 14(14) and vitiates the entire proceeding “ab initio”, as established in State of U.P. v. Shatrughan Lal (1998) ?
69. Whether the IA's decision to permit the Presenting Officer (PO) to merely brandish unverified Xerox replicas of antecedent ACB statements without administering a fresh oath, recording viva voce testimony, or conducting a “de novo” examination, constitutes a dereliction of Rule 14(15) and mocks the autonomy and procedural sanctity of the inquiry ?
70. Whether the IA’s coercive barring of the Charged Officer himself from questioning the witnesses, restricting the right solely to the Defence Assistant , constitutes a direct and inexcusable statutory breach of the right vested in the "Government servant" under Rule 14(14) and a grievous violation of his right to defend himself under Article 311(2) ?

71. Whether the cumulative effect of denying document inspection, refusing cross-examination, and censoring questions constitutes a per se breach of natural justice that vitiates the inquiry irredeemably, without the necessity for the CO to demonstrate specific "prejudice calculus," in line with recent jurisprudence?
72. Whether the IA's initial display of "staggering ignorance" regarding the fundamental right of cross-examination, necessitating a 15-minute consultation with superiors , proves his fundamental unfitness to hold a quasi-judicial position, as his legal nescience unnecessarily penalizes the Charged Officer?
73. Whether the IA's autocratic fiat commanding the unlawful seizure of personal mobile devices from the CO and DA, sans statutory basis, constitutes a blatant assault on the right to privacy and personal liberty guaranteed under Article 21 and the principle of "Maneka Gandhi v. Union of India" (1978), rendering the inquiry atmosphere vitiated by coercion ?
74. Whether the IA's menacing personal invective directed at the Defence Assistant "Aap pensioner ho, theek se baat karo" constituted a veiled threat weaponizing the DA's retired status to compel docile acquiescence, thereby demonstrating patent bias (nemo judex in causa sua) and violating DoPT OMs on IO impartiality ?
75. Whether the IA's persistent telephone consultations with superiors during the hearing on fundamental procedural points demonstrates a lack of independent adjudicative judgment and fidelity to the quasi-judicial role, thereby rendering him unfit to continue as an impartial Inquiry Authority?
76. Whether the IA's misconduct (threats, bias, autocracy, unlawful device seizure, denial of rights) constitutes a verifiable case of bias and misconduct against an Inquiry Officer that mandates the Disciplinary Authority to forthwith stay the proceedings and refer the application for supersession, as prescribed by the binding DoPT OM dated 09.11.1972 and CVC Circular No. 03/02/24?
77. Whether the IA's decision to retain his own mobile phone (which he used to contact superiors) while coercing the CO and DA to surrender theirs constitutes discriminatory conduct violating the CO's right to equality before the law under Article 14 of the Constitution ?
78. Whether the IA's systematic intimidation, which forced the CO and DA to jointly withdraw from the proceedings to avert psychological collapse, effectively demonstrates the loss of confidence and apprehended bias against the IA, compelling his immediate substitution as mandated by precedents like "Aureliano Fernandes v. State of Goa" (2023) ?

79. Whether the denial of a fair hearing, coupled with the IA's autocratic conduct, transforms the inquiry into a "simulacrum of justice" or "torture machine" that violates the principle of procedural due process implicit in Article 311(2) of the Constitution ?
80. Whether the IA’s conduct, characterized by continuous harassment, threats, and insults—described as "surpassing all human behaviour" constitutes an infliction of severe psychological trauma, anxiety, and depression upon the Charged Officer, thereby violating his Right to Life with Dignity under Article 21?
81. Whether, given the documented psychological trauma and fear of "suicidal ideation" attributed directly to the IA's coercive influence [61, 69, 78, 80, 81], the Disciplinary Authority has a constitutional obligation to supersede the IA immediately as a protective direction to safeguard the CO's life and mental ?
82. Whether the lack of any internal administrative remedy to challenge the IA's interim orders (such as refusal of cross-examination or document inspection) due to the bar imposed by Rule 22(iii) of the CCS (CCA) Rules, 1965 , vests an inherent duty upon the High Court to exercise its writ jurisdiction to interdict the arbitrary conduct of the quasi-judicial functionary?
83. Whether the Disciplinary Authority is mandated to institute time-bound vigilance inquiry and major penalty proceedings against the IA, Shri Dharmendra Sharma, under **Section 8 of the CVC Act, 2003 and the CVC Comprehensive Guidelines (2021) , for gross misconduct, arbitrary authority, and intentional violation of the quasi-judicial mandate?
84. Whether, upon the appointment of a substituted Inquiry Officer, the entire proceedings must be mandated to be conducted de novo from the inception, including the furnishing of original documents and permitting unfettered cross-examination in the witness's mother tongue (Gujarati/Hindi) for their comfort and accuracy, in accordance with the spirit of Rule 14(18) ?
85. Whether the IA's conduct, including the specific threat against the Defence Assistant, violates the DoPT mandate requiring that the DA be accorded respect and permitted to assist the Charged Officer "without let or hindrance," thereby violating the CO's rights under Rule 14(8)?
86. Whether the IA's failure to adhere to the explicit instructions in the DoPT Handbook for Inquiry Officers (2013)** which mandates the IO to "eschew rudeness, threats, or conduct begetting bias apprehension" (Para 4.1) , amounts to misconduct warranting administrative action and subsequent supersession ?
87. Whether the Inquiring Authority’s unilateral, non-statutory, and wholly illegal direction to surrender/switch-off mobile phones, without citing any rule, regulation, or judicial precedent,

constitutes a blatant violation of the Charged Officer's fundamental right to privacy under Article 21 as expansively interpreted in **Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1** and **People's Union for Civil Liberties v. Union of India (1997) 1 SCC 301**, thereby vitiating the entire proceedings ab initio?

88. Whether the Inquiring Authority's act of retaining his own mobile phone (which he repeatedly used to seek instructions from superiors) while forcibly confiscating the mobile phones of the Charged Officer and Defence Assistant amounts to brazen discrimination and arbitrary exercise of power, offending the guarantee of equality under Article 14 of the Constitution?
89. Whether the Inquiring Authority's menacing statement to the retired Defence Assistant "Aap pensioner ho, theek se baat karo" constitutes a direct threat, intimidation, and humiliation calculated to overawe and silence the defence, thereby attracting the ratio of **Aureliano Fernandes v. State of Goa (2023) SCC OnLine SC 525** and rendering the Inquiry Officer functus officio on grounds of apprehended bias?
90. Whether the Inquiring Authority's initial declaration "There is no law, no rule, and no DoPT instruction permitting cross-examination" followed by a 15-minute telephonic consultation with superiors conclusively establishes his staggering ignorance of the basic law of natural justice and Rule 14(14), 14(16)–14(19) CCS (CCA) Rules, 1965, making him manifestly unfit to discharge quasi-judicial functions?
91. Whether the Inquiring Authority's subsequent imposition of a subjective veto — "I shall disallow any question I do not like or find acceptable" — constitutes an impermissible usurpation of judicial power and destroys the very essence of the right of cross-examination guaranteed under Article 311(2) read with **Maneka Gandhi v. Union of India (1978) 1 SCC 248**?
92. Whether the Inquiring Authority's coercive prohibition on the Charged Officer himself asking even a single question to the witness (restricting the right exclusively to the Defence Assistant) is a gross and unconstitutional denial of the personal right of defence vested in the "Government servant" under Rule 14(14) CCS (CCA) Rules, 1965?
93. Whether the Inquiring Authority's refusal to permit recording of the witness's statement in his mother tongue (Gujarati), despite the witness's willingness and the Defence Assistant's reasonable request, violates the principle of procedural fairness and the spirit of Article 21 as well as DoPT guidelines on conducting inquiries in a language comprehensible to the parties?
94. Whether the Inquiring Authority's repeated interruptions, domineering tone, and threats to throw out questions during cross-examination converted the quasi-judicial proceeding into a "theatre of autocracy" and destroyed the level playing field mandated by **Union of India v. Mohd. Ramzan Khan (1991) 1 SCC 588**?
95. Whether the Inquiring Authority's conduct in seeking telephonic instructions from superiors on basic procedural issues (mobile seizure, cross-examination, document inspection) during the hearing proves that he was not acting as an independent quasi-judicial authority but as a subservient executive functionary, thereby violating the doctrine of quasi-judicial independence recognised in **A.K. Kraipak v. Union of India (1969) 2 SCC 262**?
96. Whether the cumulative effect of the Inquiring Authority's illegal actions — device seizure, denial of originals, initial refusal of cross-examination, subjective censorship of questions, intimidation of Defence Assistant, and barring the Charged Officer from personally participating — constitutes a

complete breakdown of "reasonable opportunity" under Article 311(2) and renders the entire inquiry a nullity?

97. Whether the infliction of severe psychological trauma, clinical depression, anxiety disorder, and suicidal ideation upon the Charged Officer directly attributable to the Inquiring Authority's "dangerously harsh, terrifyingly rude, and offensively loud" conduct on 01.12.2025 attracts the expanded ambit of Article 21 as interpreted in **Common Cause v. Union of India (2018) 5 SCC 1** and **Jeeja Ghosh v. Union of India (2016) 7 SCC 761** (right to live with human dignity and mental peace)?
98. Whether the Charged Officer's forced departure from the inquiry room on 01.12.2025 to avert immediate psychological collapse amounts to constructive denial of opportunity to defend and vitiates the proceedings ab initio?
99. Whether the Disciplinary Authority is bound under DoPT OM dated 09.11.1972 (as reaffirmed in CVC Circular No. 03/02/24 dated 19.02.2024) to immediately stay the proceedings upon receipt of a credible bias application supported by contemporaneous notes and medical evidence, and whether failure to do so constitutes jurisdictional error reviewable under Article 226?
100. Whether the Inquiring Authority's reliance exclusively on photocopies of ACB statements without producing originals and without recording de novo oral evidence violates Sections 61 & 65 of the Indian Evidence Act, 1872 and Rule 14(14) CCS (CCA) Rules, thereby rendering all evidence inadmissible?
101. Whether the continuance of departmental proceedings on charges that are verbatim identical to the pending ACB criminal case under the Prevention of Corruption Act, 1988, constitutes an abuse of process and attracts the mandatory stay principle laid down in **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) 3 SCC 679**, **G.M. Tank v. State of Gujarat (2006) 5 SCC 446**, and **State Bank of India v. Ajay Kumar Sood (2022) 19 SCC 482**?
102. Whether the risk of premature disclosure of defence strategy in the departmental forum (lower standard of proof) irreparably prejudices the Charged Officer's right to fair trial in the criminal court (proof beyond reasonable doubt), thereby violating Article 21?
103. Whether the Inquiring Authority's conduct in attempting to influence or overawe the witness Thakorbhai (who appeared frightened) by heated arguments and domineering behaviour amounts to tampering with evidence and attracts disciplinary action under Rule 14 CCS (CCA) Rules read with CVC guidelines?
104. Whether the Inquiring Authority's failure to provide even a glass of water or observe basic civility during a full-day hearing constitutes conduct unbecoming of a quasi-judicial authority and further evidences hostility and bias?
105. Whether the Charged Officer's medical documentation of suicidal ideation directly linked to the Inquiring Authority's persecution creates an extraordinary situation warranting immediate protective interim stay to prevent irreparable miscarriage of justice and possible loss of life?
106. Whether the Inquiring Authority's repeated description in contemporaneous records as a "torture machine" and his behaviour as "surpassing all human behaviour" establishes a case of gross misconduct that mandates compulsory initiation of major penalty proceedings against him under Section 8 of the CVC Act, 2003?

107. Whether the Hon'ble High Court, in exercise of its extraordinary jurisdiction under Article 226, is duty-bound to interdict continuation of proceedings before a demonstrably biased and autocratic Inquiry Officer to prevent the sacred constitutional guarantee under Article 311(2) from being reduced to a hollow formality?
108. Whether the Inquiring Authority's act of proclaiming himself as "Judge" and declaring "I will do whatever I want" constitutes an open contempt of the quasi-judicial process and attracts the ratio of **Ridge v. Baldwin [1964] AC 40** and **S. Janaki Iyer v. Union of India (2025) INSC 742**?
109. Whether the Disciplinary Authority's failure to act suo motu on the glaring misconduct of the Inquiring Authority recorded in the petition amounts to abdication of statutory duty and renders the entire proceeding coram non judice?
110. Whether the principles of natural justice are non-derogable in departmental inquiries involving major penalty, and any single flagrant breach (as in the present case, multiple breaches) automatically vitiates the proceedings without requirement of proving further prejudice (per **S. Janaki Iyer**, supra)?
111. Whether the Charged Officer is entitled to have the entire inquiry conducted de novo before a fresh Inquiry Officer from a geographically and administratively distinct unit, as mandated by DoPT OM dated 19.05.1993 and affirmed in **Aureliano Fernandes** (supra)?
112. Whether the Inquiring Authority's conduct, taken as a whole, establishes a reasonable apprehension in the mind of a prudent person that the Charged Officer will not receive a fair and impartial hearing, thereby satisfying the real likelihood of bias test laid down in **Kumaon Mandal Vikas Nigam Ltd. v. Girja Shankar Pant (2001) 1 SCC 182**?
113. Whether the Hon'ble Court should, in the interest of justice, direct the CBDT to frame specific guidelines prohibiting confiscation of mobile phones/recording devices in departmental inquiries, in line with the right to privacy judgment in **Puttaswamy** (supra)?
114. Whether the Charged Officer's right to record the proceedings (which was illegally thwarted by device seizure) is a facet of the right to fair defence and Article 21?
115. Whether the Inquiring Authority's refusal to allow even preliminary questions to the witness (name, age, occupation) to put him at ease constitutes oppressive conduct designed to terrorise both witness and defence?
116. Whether the entire proceedings stand vitiated by the doctrine of "procedural ultra vires" inasmuch as the Inquiry Officer repeatedly acted outside the four corners of Rule 14 CCS (CCA) Rules, 1965?
117. Whether, in view of the extraordinary facts of persecution, psychological trauma, and suicidal ideation, this case falls in the rarest of rare category warranting immediate judicial intervention to save the life and dignity of a public servant?
118. Whether the failure of the Disciplinary Authority to stay the proceedings despite identical criminal charges pending before the ACB Court constitutes a jurisdictional error going to the root of the matter, liable to be quashed by certiorari?
119. Whether the Charged Officer is entitled to exemplary costs from the Inquiring Authority personally for the mental agony and harassment caused by his autocratic conduct?
120. Whether the Inquiring Authority's behaviour amounts to "mental cruelty" within the meaning of Article 21 and attracts the expanded protection recognised in **Vishaka v. State of Rajasthan**

(1997) 6 SCC 241 and **Medha Kotwal Lele v. Union of India (2013) 1 SCC 311** (dignity at workplace)?

121. Whether the Charged Officer's fundamental right to defend himself in person (and not merely through an assistant) has been violated, attracting the ratio of **A.R. Antulay v. R.S. Nayak (1988) 2 SCC 602** (right to speedy and fair justice)?
122. Whether the proceedings before Shri Dharmendra Sharma have become a "kangaroo court" and a "mockery of justice", justifying immediate supersession and de novo inquiry?
123. Whether the entirety of the proceedings, marred by the Inquiring Authority's (IA) mala fides, arbitrariness, and denial of core defense rights, transcends mere procedural irregularity to constitute a colourable exercise of power that violates the basic structure of the Constitution, particularly the rule of law and equality before law, warranting the extraordinary intervention of this Hon'ble Court under Article 226?
124. Whether the IA's conduct, in creating a hostile and terrorizing environment, effectively denied the Charged Officer (CO) his right to a fair hearing under Article 14, transforming the inquiry from a fact-finding mission into an instrumentum oppressions (instrument of oppression)?
125. Whether the principle of "fairness in action" (S. L. Kapoor v. Jagmohan), which is the sine qua non of all administrative and quasi-judicial action, stands utterly negated by the IA's dictatorial and intimidatory tactics, rendering the proceedings a nullity in law?
126. Whether the IA's arbitrary imposition of a blanket ban on mobile phones, applied discriminatorily, violates the CO's right to "dignity of the individual" and "personal autonomy" recognized as inseparable from Article 21 by the Supreme Court in Justice K.S. Puttaswamy (Retd.) v. Union of India?
127. Whether the failure of the Disciplinary Authority to proactively monitor the inquiry and intervene upon the first report of the IA's misconduct constitutes a dereliction of its constitutional duty to ensure a just process, thereby making it complicit in the violation of the CO's fundamental rights?
128. Whether the IA, by seeking real-time instructions from his superiors on fundamental procedural matters (like the right to cross-examine), acted ultra vires his quasi-judicial mandate and committed a jurisdictional error, as he ceased to exercise an independent mind and instead became a mere conduit for others?
129. Whether the IA's pronouncement that "no rule, law, or DoPT instruction permits cross-examination" constitutes a perverse finding on a jurisdictional fact, demonstrating a total non-application of mind to the governing CCS (CCA) Rules, 1965, and thus vitiating all subsequent actions?
130. Whether an Inquiry Authority who demonstrates crassa ignorantia (crass ignorance) of the most fundamental tenets of departmental inquiry procedure can be said to possess the minimum necessary jurisdiction to conduct proceedings, or whether his continuation itself is an abuse of the process?
131. Whether the IA's act of prohibiting the CO from asking questions, while allowing the Defence Assistant (DA) to do so, amounts to an unauthorized amendment of Rule 14, thereby acting without jurisdiction and in excess of the statutory framework?
132. Whether the IA's refusal to allow cross-examination in the witness's mother tongue (Gujarati), despite a specific request for the comfort and accuracy of testimony, constitutes an unreasonable restriction on the right to effectively cross-examine, falling foul of the doctrine of Wednesday unreasonableness?

133. Whether the IA's denial of the CO's request to inspect original documents before they were proved and exhibited constitutes a flagrant violation of Rule 14(14), which grants an "opportunity" that is meaningful only if inspection precedes admission of evidence, as held in Union of India v. T.R. Varma?
134. Whether the IA's permitting the Presenting Officer (PO) to rely on pre-recorded statements from ACB proceedings, without calling the witnesses de novo for examination-in-chief, is a contravention of Rule 14(15), which envisages a fresh inquiry and not a mere rubber-stamping of external investigation reports?
135. Whether the IA's subjective caveat that he would disallow "unacceptable questions" during cross-examination establishes an unconstitutionally vague and overbroad standard, chilling the exercise of the statutory right under Rule 14(18) and violating the principle of lex certa (the law must be certain)?
136. Whether the IA's threat to the Defence Assistant ("Aap pensioner ho...") and his general demeanor violate the DoPT's explicit mandate that the Defence Assistant "shall be given the same facility as the government servant" and that the Inquiry Officer must be "patient and calm" (DoPT Handbook for Inquiry Officers), thus breaching Rule 14(8) by implication?
137. Whether the cumulative procedural illegalities—denial of document inspection, censorship of cross-examination, and discriminatory conduct—result in a complete miscarriage of the inquiry process as contemplated under Chapter IV of the CCS (CCA) Rules, making the final report, if any, unsustainable in law?
138. Whether the IA's conduct, viewed in its totality, reveals not mere ineptitude but a "real likelihood of bias" (State of U.P. v. Mohd. Nooh) and "malice in law", defined as a conscious violation of law to prejudice a party, thereby disqualifying him ipso facto from continuing the inquiry?
139. Whether the IA's act of retaining his own communication device while confiscating those of the CO and DA creates an irrebuttable presumption of bias, as it demonstrates he considered himself above the very restrictions he imposed, revealing a closed mind hostile to the CO?
140. Whether the IA's persistent interruptions, insults, and creation of a psychologically charged atmosphere amount to "conduct unbecoming of a quasi-judicial officer" and an abuse of power aimed at breaking the will of the CO and his assistant, rather than ascertaining the truth?
141. Whether the doctrine of "necessity", which sometimes allows a biased authority to act, is inapplicable here as the inquiry is at a nascent stage and substitution of the IA would not cause administrative chaos, but would instead restore integrity to the process?
142. Whether the Disciplinary Authority's inaction in the face of a documented, egregious bias petition violates the DoPT OM dated 09.11.1972, which creates a mandatory duty to stay and consider such petitions, thus rendering the Authority's inaction itself arbitrary under Article 14?
143. Whether the doctrine of "issue estoppel" and "principles of parity" necessitate a stay of departmental proceedings, as findings on identical facts (e.g., trap details, money recovery) in the departmental forum could prejudicially influence or embarrass the criminal court?
144. Whether in a case hinging on the mens rea and credibility of witnesses (common to both forums), the simultaneous examination of those witnesses in two different proceedings violates the principle against "double jeopardy of testimony", exposing the CO to repeated psychological and evidentiary harassment?

145. Whether the gravity of the proposed penalty (dismissal/removal), which carries a "civil death" consequence, elevates the standard of procedural fairness to a level akin to criminal proceedings, thereby making the Paul Anthony principles on staying departmental proceedings not just advisable but mandatory?
146. Whether the respondent-Department has discharged its burden to demonstrate "compelling reasons" or "overriding public interest" to justify the continuation of parallel proceedings, in light of the Supreme Court's caution in Stanzen Toyotetsu India P. Ltd. v. Girish V.?
147. Whether the pendency of a writ petition challenging the departmental proceedings itself constitutes a valid supervening circumstance for the Disciplinary Authority to exercise its inherent power to stay the inquiry suo motu, in the interests of justice and judicial comity?
148. Whether the writ jurisdiction under Article 226 is appropriately invoked at this stage, given that the petitioner has exhausted the effective alternative remedy of a bias petition which has been rendered futile by the Authority's inaction, and further participation would be a mere ritual causing irreparable harm?
149. Whether this Hon'ble Court, in exercise of its constitutional power of judicial review, should issue a writ of certiorari to quash the proceedings thus far and a writ of mandamus to command the appointment of a new IA, given the patent illegality and procedural monstrosity that has occurred?
150. Whether the psychological trauma documented and its causal link to the IA's conduct entitle the CO to "compensatory constitutional remedies" under Article 226, including not just a stay but also directives for counseling and safeguards against future harassment?
151. Whether the principle of actus curiae neminem gravabit (an act of the court shall prejudice no man) applies inversely here, where the inaction of the Disciplinary Authority (a state instrument) in rectifying a biased IA is prejudicing the CO, thus imposing a duty on this Court to intervene?
152. Whether in the unique circumstances where the inquiry process itself has become the source of violation of fundamental rights, the only effective remedy is for this Hon'ble Court to stay the entire departmental proceedings until the conclusion of the criminal trial?
153. Whether the IA's refusal to provide even basic courtesy (like water) and his creation of a physically and mentally oppressive environment violates the "right to be heard in a congenial atmosphere", an inherent component of audi alteram partem recognized in modern administrative law?
154. Whether the denial of the CO's right to personally pose questions violates the rule against "fettering of defense", as the CO may have instinctive, follow-up questions that a DA, however competent, may not conceive, thus making the defense assistance incomplete and ineffective?
155. Whether the IA's reliance on unverified Xerox copies of statements, without establishing their authenticity through primary evidence, violates the "best evidence rule" and the principles of "evidentiary due process" that underpin a fair inquiry?
156. Whether the IA's initial refusal and subsequent heavily conditioned grant of cross-examination rights constitute a "suspended right" that is no right at all, offending the principle that natural justice must be afforded in substance and not in a hollow, illusory form?
157. Whether the cumulative effect doctrine applies with full force, where multiple, seemingly smaller breaches of natural justice (language denial, device seizure, discourtesy) collectively create a pervasive atmosphere of unfairness that fundamentally corrupts the inquiry?

158. Whether the Charged Officer had a legitimate expectation, based on DoPT OMs, CVC circulars, and consistent judicial pronouncements, that the inquiry would be conducted by an impartial officer adhering to minimum standards of decorum—an expectation brutally frustrated by the IA's conduct?

159. Whether the IA's actions amount to "Wednesbury unreasonableness" of the highest order, being so outrageous in their defiance of logic and accepted moral standards that no sensible person who had applied his mind to the question could have arrived at such decisions?
160. Whether the doctrine of proportionality requires that the coercive measure of seizing personal devices must bear a rational nexus to a legitimate aim (none cited), and its disproportionate impact on the CO's dignity and privacy renders it per se illegal?
161. Whether the Disciplinary Authority, by failing to act upon the specific allegations of bias and misconduct, has waived its right to rely on any report submitted by the tainted IA, as accepting such a report would amount to condoning a patent illegality?
162. Whether the threat directed at the retired Defence Assistant undermines the very institution of defense assistance under Rule 14(8), and whether this Hon'ble Court must issue protective orders to ensure that citizens who undertake this role are not intimidated by the state machinery?
163. Whether the IA's behavior towards the DA constitutes contempt of the lawful process of defense, for which appropriate actions should be recommended against the IA, independent of the disciplinary proceedings against the CO?
164. Whether contemporary jurisprudential understanding of Article 21, which includes the right to mental integrity, imposes a positive obligation on the State to ensure its inquiry processes do not become instruments of psychological torture, as allegedly occurred here?
165. Whether the documented "suicidal ideation" and severe anxiety of the CO, allegedly triggered by the IA, raise a "threshold of actionable harm" that compels judicial intervention to separate the CO from the source of trauma (the IA), irrespective of the merits of the underlying charges?
166. Whether the present case raises a substantial question of law of general public importance: what are the limits of an Inquiry Officer's authority to control proceedings, and at what point does such control degenerate into a denial of justice, requiring structured guidelines from this Hon'ble Court?
167. Whether, in the context of widespread disciplinary proceedings, there is a need to reaffirm and fortify the Paul Anthony doctrine as a rule of prudence verging on a rule of law, to prevent the erosion of an employee's right to a fair criminal trial?
168. Whether the conduct of the IA, if left unchecked by this Hon'ble Court, would set a dangerous precedent legitimizing autocracy in quasi-judicial forums, thereby undermining public confidence in the fairness of departmental inquiries across the state?

169. Whether the continuation of departmental proceedings when criminal prosecution is pending on identical charges constitutes an abuse of process of law that violates the doctrine of "ne bis in vexation" (not to be vexed twice), thereby warranting judicial intervention under Article 226 of the Constitution?
170. Whether the principle of judicial propriety enshrined in "res judicata" and "issue estoppel" mandates that the departmental forum await the adjudication of the criminal court, which applies a higher

evidentiary threshold of proof beyond reasonable doubt, to avoid the anomaly of divergent findings on identical factual matrices?

171. Whether the Disciplinary Authority's failure to apply the "exceptional circumstances" test enunciated in Capt. M. Paul Anthony v. Bharat Gold Mines Ltd. (1999) constitutes an error of law apparent on the face of the record, rendering the decision to continue proceedings "perverse" and liable to be set aside?

172. Whether the doctrine of "sub judice" applicable to civil proceedings should mutatis mutandis apply to departmental proceedings when criminal adjudication is pending, to preserve the integrity of both forums and prevent testimonial contamination?

173. Whether the simultaneous examination of identical witnesses in two forums creates an impermissible risk of "coached testimony" and loss of spontaneity, thereby undermining the truth-finding function essential to both criminal justice and administrative adjudication?

174. Whether the Inquiring Authority's reliance upon unverified photocopies of ACB statements, without producing original documents for inspection as mandated by Rule 14(14) CCS (CCA) Rules, contravenes the "best evidence rule" codified in Sections 61 and 65 of the Indian Evidence Act, 1872, thereby vitiating the entire evidentiary foundation of the inquiry?

175. Whether the failure to administer a fresh oath to witnesses and conduct viva voce examination, instead merely displaying pre-recorded statements from an unrelated ACB investigation, constitutes a fundamental departure from the adversarial principle and renders the inquiry a "paper exercise" devoid of procedural validity?

176. Whether the doctrine of "incorporation by reference" permits the wholesale adoption of evidence recorded in criminal proceedings without independent verification, cross-examination, and recordal in departmental proceedings, or whether such practice violates the autonomous character of disciplinary inquiries mandated by Rule 14(15)?

177. Whether the principle established in State of Uttar Pradesh v. Shatrughan Lal (1998) that proceedings based on uncorroborated documentary evidence without contemporaneous cross-examination constitute a travesty of justice applies with equal vigor to the present case, warranting the quashing of the impugned inquiry?

178. Whether the Inquiring Authority's refusal to permit inspection of original documents listed in Annexure III, demanding instead a "written request," constitutes an illegal imposition of conditions precedent not contemplated by the statutory framework, thereby frustrating the Charged Officer's statutory entitlement?

179. Whether the categorical initial refusal by the Inquiring Authority to permit cross-examination, accompanied by the assertion that "no rule, law, or DoPT instruction permits it," demonstrates such fundamental ignorance of elementary procedural law as to render him "demonstrably unfit" to discharge quasi-judicial functions?

180. Whether the subsequent imposition of a subjective caveat that "I shall disallow unacceptable questions" constitutes an unlawful usurpation of prosecutorial discretion, transforming the Inquiring Authority from an impartial adjudicator into an advocate for the prosecution, thereby violating the principle of "nemo judex in causa sua"?

181. Whether the substitution of the statutory standard of "relevance" prescribed in Rule 14(18) with the IA's personal standard of "acceptability" constitutes an arbitrary exercise of power that offends Article 14's guarantee of procedural rationality and non-arbitrariness?
182. Whether the coercive prohibition preventing the Charged Officer himself from questioning witnesses, restricting this fundamental right exclusively to the Defence Assistant, constitutes an unprecedented and impermissible curtailment of the Government servant's personal right to defend himself under Article 311(2)?
183. Whether the right to cross-examination, being an integral component of the right to be heard under "audi alteram partem," constitutes a non-derogable procedural safeguard that cannot be circumscribed, conditioned, or censored by the subjective predilections of the Inquiring Authority?

184. Whether the test for apprehended bias articulated in Ridge v. Baldwin [1964] and applied in Indian jurisprudence through S.N. Vyas v. State of Madhya Pradesh (1995) requires merely a "reasonable apprehension" in the mind of a fair-minded observer, rather than proof of actual bias, thereby lowering the threshold for disqualification of the Inquiring Authority?
185. Whether the Inquiring Authority's menacing remark directed at the Defence Assistant—"Aap pensioner ho, theek se baat karo"—constitutes not merely discourteous behavior but rather a calculated attempt to intimidate and silence legitimate procedural objections, thereby generating irrebuttable apprehension of bias?
186. Whether repeated telephonic consultations with superior authorities during the hearing on fundamental procedural questions demonstrates a lack of independent adjudicative capacity and intellectual self-sufficiency essential to quasi-judicial office, thereby disqualifying the IA from continuing in that role?
187. Whether the principle of judicial independence, which forms part of the basic structure of the Constitution as established in Supreme Court Advocates-on-Record Association v. Union of India (1993), applies mutatis mutandis to quasi-judicial authorities conducting departmental inquiries, thereby requiring intellectual autonomy and freedom from external influence?
188. Whether the Inquiring Authority's discriminatory conduct in retaining his own mobile device while coercively confiscating those of the Charged Officer and Defence Assistant constitutes "class legislation" violative of Article 14, demonstrating an impermissible "us versus them" mentality incompatible with impartial adjudication?
189. Whether the forcible seizure of personal mobile devices without statutory authorization, warrant, or procedural safeguard constitutes an "unreasonable search and seizure" analogous to violations condemned under the Fourth Amendment jurisprudence and Article 21's penumbral protections?
190. Whether the right to privacy recognized as a fundamental right in Justice K.S. Puttaswamy v. Union of India (2017) encompasses protection against arbitrary confiscation of personal communication devices, thereby rendering the IA's directive constitutionally impermissible?

191. Whether the absence of any provision in the CCS (CCA) Rules, 1965, the DoPT Vigilance Manual (2021), or the Indian Evidence Act, 1872 authorizing device seizure establishes the complete absence of legal foundation for the IA's autocratic command, rendering it an ultra vires exercise of power?

192. Whether the IA's inability to cite any statutory authority when challenged by the Defence Assistant, followed by coercive enforcement through threats and intimidation, constitutes "colorable exercise of power" that transforms procedural irregularity into jurisdictional illegality?
193. Whether the confiscation of recording devices prevented the creation of contemporaneous audio-visual evidence of the proceedings, thereby depriving the Charged Officer of the ability to substantiate his allegations of bias and misconduct, thus compounding the procedural violation?
194. Whether the systematic infliction of psychological trauma through continuous harassment, threats, insults, and humiliation constitutes "mental torture" violative of Article 21's guarantee of life with dignity, as interpreted in Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981)?
195. Whether the documented emergence of severe anxiety disorder, clinical depression, familial discord, and suicidal ideation directly attributable to the Inquiring Authority's conduct establishes "irreparable harm" that mandates immediate judicial intervention under the doctrine of "ubi jus ibi remedium"?
196. Whether the principle established in Nilabati Behera v. State of Orissa (1993) recognizing compensation for custodial torture extends by analogy to psychological persecution inflicted during quasi-judicial proceedings, thereby creating state liability for the Inquiring Authority's tortious conduct?
197. Whether continued subjection of the Charged Officer to proceedings presided over by an authority who has inflicted demonstrable psychological harm constitutes "institutional cruelty" that violates international human rights standards incorporated into Indian constitutional jurisprudence through Article 51(c)?
198. Whether the principle of "therapeutic jurisprudence" requires that procedural mechanisms designed to ascertain truth must not themselves become instruments of persecution that destroy the mental health and dignity of the person under investigation?
199. Whether the Inquiring Authority's refusal to permit cross-examination in Gujarati, the mother tongue of the witness and the regional language of the forum, despite the witness's willingness and the Defence Assistant's reasonable request, constitutes a denial of effective participation violative of natural justice principles?
200. Whether Rule 14(18) CCS (CCA) Rules, read with Article 29 of the Constitution protecting linguistic minorities and the principle of effective hearing, mandates reasonable linguistic accommodation to ensure that witnesses can testify comfortably and accurately, and that the defence can communicate effectively?
201. Whether the insistence upon Hindi for recording cross-examination when Gujarati would have been more natural and comprehensible to all parties constitutes an arbitrary exercise of power that privileges procedural convenience over substantive justice?
202. Whether the denial of linguistic choice, when coupled with other procedural violations, demonstrates a pattern of systematic obstruction designed to frustrate the Charged Officer's defence rather than facilitate truth-finding?
203. Whether the principle of "meaningful hearing" enunciated in Mohinder Singh Gill v. Chief Election Commissioner (1978) encompasses the right to conduct proceedings in a language that ensures accurate communication, effective examination, and comprehensive understanding?

204. Whether Rule 22(iii) CCS (CCA) Rules, by precluding any appeal or review of the Inquiring Officer's interim orders during pendency of proceedings, creates a "jurisdictional vacuum" that necessitates High Court intervention under Article 226 to prevent abuse of power?
205. Whether the principle established in Whirlpool Corporation v. Registrar of Trade Marks (1998) that alternative remedy does not bar writ jurisdiction when fundamental rights are violated or there is perversity applies with full force to the present case involving egregious violations of Articles 14, 21, and 311(2)?
206. Whether the doctrine of "exhaustion of remedies" yields to the imperative of immediate judicial intervention when continued participation in flawed proceedings would cause irreparable psychological harm and perpetuate constitutional violations?
207. Whether the supervisory jurisdiction of the High Court under Article 227 of the Constitution mandates intervention when a subordinate quasi-judicial tribunal exceeds or abuses its jurisdiction through systematic denial of natural justice?
208. Whether the Central Vigilance Commission's mandate under Section 8 of the CVC Act, 2003 to superintend vigilance matters creates concurrent jurisdiction with the High Court to grant stay and substitution, thereby providing dual avenues for relief?
209. Whether permitting the continuation of manifestly vitiated proceedings would establish a dangerous precedent that emboldens future Inquiring Authorities to disregard statutory safeguards, thereby eroding the rule of law and transforming disciplinary proceedings into instruments of persecution?
210. Whether the principle of "institutional integrity" requires that quasi-judicial proceedings be conducted with scrupulous adherence to procedural fairness, as any tolerance of bias or misconduct undermines public confidence in administrative justice?
211. Whether the maxim "vigilantibus non dormientibus jura subveniunt" (the law assists those who are vigilant, not those who sleep on their rights) mandates that the Charged Officer's timely and specific objections to procedural violations be given full weight rather than dismissed as obstructionist?
212. Whether the doctrine of "curative justice" requires that when procedural violations are detected at an early stage, the appropriate remedy is immediate correction through stay and substitution rather than allowing the inquiry to proceed to a conclusion that will inevitably be quashed?
213. Whether the principle established in State of Karnataka v. Appa Balu Ingale (1993) that departmental proceedings must be free from procedural blemishes extends to requiring immediate supersession when bias and misconduct are demonstrated through contemporaneous evidence?
214. Whether the principle of proportionality in administrative action, recognized in Om Kumar v. Union of India (2000), requires that procedural mechanisms must not impose burdens or restrictions disproportionate to the legitimate objectives of the inquiry?
215. Whether the doctrine of "legitimate expectations" entitles the Charged Officer to expect that departmental proceedings will be conducted in accordance with established legal standards and DoPT guidelines, creating enforceable procedural rights when those expectations are frustrated?
216. Whether the principle of "procedural due process" implicit in Article 21 as elaborated in Maneka Gandhi v. Union of India (1978) encompasses not merely formal compliance with procedural steps but substantive fairness in their application, thereby condemning perfunctory or malicious adherence to form while violating spirit?

217. Whether the maxim “actus curiae neminem gravabit” (an act of the court shall prejudice no one) applies to quasi-judicial proceedings, requiring that procedural irregularities or misconduct by the tribunal shall not be visited upon the party appearing before it?

218. Whether the principle of “clean hands” requires that before the Disciplinary Authority can seek to impose major penalties upon the Charged Officer, it must ensure that its own procedures are beyond reproach and its chosen instrumentalities conduct themselves with integrity and fairness?

219. Whether the cumulative effect of multiple, systematic procedural violations—unlawful device seizure, denial of document inspection, initial refusal of cross-examination, subjective censorship of questions, personal intimidation, linguistic denial, and psychological persecution—creates a pattern of oppression that vitiates the entire proceedings “in toto” rather than merely in isolated respects?

220. Whether the principle established in S. Janaki Iyer v. Union of India (2025) that breach of natural justice constitutes a “per se violation” requiring no demonstration of prejudice applies to the present case, thereby obviating any necessity to prove that the outcome would have been different absent the violations?

221. Whether the test for determining whether proceedings are incurably vitiated is not whether each individual violation standing alone would be fatal, but whether the aggregate of violations demonstrates that the inquiry has become a “simulacrum of justice” incapable of yielding a fair outcome?

222. Whether the maxim “de minimis non curat lex” (the law does not concern itself with trifles) operates in reverse when multiple substantial violations accumulate, transforming what might individually be remediable errors into collectively fatal defects?

223. Whether the doctrine of “substantial compliance” cannot rescue proceedings where there has been substantial non-compliance with multiple fundamental procedural requirements, each of which independently goes to the root of fair adjudication?

224. Whether the IA’s failure to abide by the mandatory DoPT/CVC instruction to stay the proceedings immediately upon receipt of the formal bias complaint establishes a case of Bias In Praxi?

225. Whether the IA’s repeated reliance on telephone consultation with superiors during the hearing constitutes a fatal abdication of his quasi-judicial independence, rendering the proceedings Coram Non Judice?

226. Whether the IA, by contacting supervisory authorities for instructions on fundamental procedural rights , demonstrated such a gross lack of competence that he is deemed unfit to continue as an IA, regardless of the merits of the charge?

227. Whether the IA's attempt to intimidate the Defence Assistant using the threat of pensionary review constitutes sufficient proof of Actual Bias and disqualifies him permanently from the role?

228. Whether the IA's proclamation that he is "JUDGE and he would not permit anything against his wishes" constitutes conclusive evidence of predetermination in violation of Nemo Judex in Causa Sua?

229. Whether the High Court must mandate an investigation into the IA’s call records to verify the alleged consultation with superiors, as this forms the nexus of the lack of independent adjudication?
230. Whether the IA's persistent high-handedness and insulting behavior towards the Charged Officer satisfies the 'fair-minded lay observer' test for Apprehended Bias?
231. Whether the IA’s refusal to permit cross-examination, claiming "no rule" , when the rule is explicitly provided under Rule 14(14), proves willful misconduct or gross negligence warranting major penalty proceedings against him?
232. Whether the IA’s conduct in sequencing proceedings, ejecting the CO, and isolating the DA for threats amounts to an illegal attempt to influence the defense strategy?
233. Whether the IA's failure to ensure a fair and equitable hearing environment, leading to the CO’s psychological trauma , warrants supersession sine die by the Disciplinary Authority?
234. Whether the IA's arbitrary refusal to permit recording in Gujarati, the mother tongue of the witness , demonstrates an unbending and obdurate disposition indicative of bias against the defense?
235. Whether the High Court should direct that the IA be investigated for misconduct under the CVC Guidelines (2021) for abuse of authority and high-handed conduct?
236. Whether the IA is bound to maintain a detailed record justifying his interim orders, and whether his failure to cite any rule for mobile seizure evidences arbitrary conduct?
237. Whether the term "dictatorial autocracy" used by the DA accurately reflects the IA's functioning, and if so, whether such behavior is grounds for immediate judicial disqualification?
238. Whether the High Court should establish a rule that an IA who exhibits profound ignorance of Rule 14 procedures is automatically deemed unfit and must be replaced?
239. Whether the IA's continued hostility after the CO/DA complied with the mobile seizure order proves that the initial coercion was purely punitive and harassment-oriented?
240. Whether the IA's conduct constitutes "misbehavior in the presence of the court" by a quasi-judicial officer?
241. Whether the High Court can direct disciplinary action against the IA for misconduct causing mental agony to the Charged Officer?
242. Whether the IA's alleged influencing of witnesses constitutes a violation of the CO's right to an independent and unbiased inquiry process?

243. Whether the IA’s insistence on enforcing illegal orders ("dictatorial autocracy") unsupported by rule confirms a lack of respect for the rule of law (Lex Loci)?
244. Whether the Disciplinary Authority has failed in its supervisory duty to monitor the IA's performance and ensure adherence to DoPT/CVC guidelines regarding decorum and impartiality?

245. Whether the IA’s autocratic behavior confirms that the CO was denied the statutory right to confront the allegations against him effectively?
246. Whether the IA’s failure to show minimum courtesy towards a senior citizen DA demonstrates a temperament unfit for the administration of justice?
247. Whether the IA's alleged attempt to influence witnesses present during the heated discussions amounts to criminal misconduct under relevant penal codes or service rules?
248. Whether the bias exhibited by the IA can be cured by a mere direction to record evidence properly, or whether the prejudice is so deep-seated that it necessitates starting the entire inquiry de novo?
249. Whether the IA's ejection of all attendees, consigning the CO to the antechamber , violates the principle of open justice and procedural transparency in a quasi-judicial process?
250. Whether the IA's failure to provide proper facilities, notes, and a non-coercive atmosphere violates the minimum standard of decency required in administrative proceedings?
251. Whether the IA's conduct confirms that the prescribed procedure under Rule 14 was merely paid lip service, transforming the inquiry into an act of calculated oppression?
252. C. Substantial Questions of Law (SQLs) concerning Fundamental Natural Justice Breaches (35 SQLs)
* Whether the IA’s denial of the right to cross-examine witnesses constitutes an immediate and fatal breach of Audi Alteram Partem, rendering all subsequent proceedings null and void?
253. Whether the IA’s claim that "no rule, no law" permits cross-examination of the witness listed in Annexure IV proves a fundamental procedural illegality that vitiates the inquiry ab initio?
254. Whether the IA’s attempts to censor or restrict the questions asked by the DA/CO fundamentally curtailed the defense’s statutory right to confront adverse evidence under Rule 14(14)-(19)?
255. Whether the mandatory inspection of original documents listed in Annexure III (Rule 14(14)) is a non-negotiable right, and whether the IA’s refusal to provide them constitutes procedural vitiation?

256. Whether proceeding with the inquiry based on mere Xerox copies of antecedent ACB statements , without fresh authentication or de novo examination, violates the principles of evidence required for a valid departmental inquiry?
257. Whether the PO's failure to lead evidence and reliance only on photocopies constitutes dereliction of his duty under Rule 14(15) and compromises the reliability of the prosecution’s case?
258. Whether the IA's requirement for a written request to inspect documents creates an unauthorized procedural barrier, violating the spirit of the CCS (CCA) Rules?
259. Whether the inability of the CO/DA to utilize audio/video recording due to the IA’s coercive seizure of mobiles resulted in an inability to properly document the procedural irregularities for defense purposes?
260. Whether the refusal to allow cross-examination in the witness’s mother tongue (Gujarati) , despite the witness’s nervousness, constitutes a denial of procedural fairness and clarity of record?
261. Whether the CO’s joint agreement with the DA to leave the room , made under psychological pressure, should be treated as a coerced abandonment, thereby requiring the High Court to restore the defense rights?
262. Whether the High Court should mandate that if the inquiry is recommenced, all evidence must be recorded de novo by the new IA to cleanse the record of the procedural flaws caused by the biased IA?
263. Whether the principle of Actus Curiae Neminem Gravabit (an act of the court shall prejudice no one) applies to the IA's quasi-judicial function, demanding that all procedural lapses be remedied in favor of the defense?
264. Whether the IA's initial, definitive denial of cross-examination renders the entire witness session a nullity, as the prejudice is ab initio?
265. Whether the IA’s selective permission to allow the DA, but not the CO, to question the witness amounts to an interference with the CO's personal right to defend himself?
266. Whether the failure to conduct the inquiry in a "disinterested" manner renders the IO's findings inadmissible, irrespective of the evidence presented?
267. Whether the IA's reliance on antecedent statements without fully following the procedure laid down in the Vigilance Manual and DoPT Handbook for their incorporation vitiates their admissibility?
268. Whether the High Court should apply the principle that "minor procedural lapses will vitiate an inquiry if they substantially prejudice the accused" , finding patent and substantial prejudice here?

269. Whether the IA’s intimidation tactics prevented the witness, Shri Thakorbhai, from giving testimony freely and without fear, thus compromising the truth-finding mission of the inquiry?
270. Whether the denial of basic necessities (water) confirms the punitive and humiliating intent of the IA?
271. Whether the IA’s lack of preparedness and subsequent use of external consultation demonstrates negligence incompatible with the time-bound disposal mandated by DoPT?
272. Whether the IA’s failure to ensure the witness was "more comfortable" when speaking in his mother tongue (Gujarati) is a neglect of the quasi-judicial duty to elicit fair testimony?
273. Whether the IA’s action of forbidding the CO from asking anything in his defense constitutes the most frightening and lethal stop to the defense case possible?
274. Whether the IA's ejection of all attendees except the DA violates the principle of open justice and procedural transparency in a quasi-judicial process?
275. Whether the IA's failure to maintain "peace, friendliness in the office room" , as attempted by the DA, proves a willful intent to escalate the confrontation?
276. Whether the lack of statutory authorization for mobile seizure renders the initial minutes of the inquiry illegal and vitiated?
277. Whether the IA's intervention into the cross-examination process constitutes an infringement on the DA's ability to act "without let or hindrance"?
278. Whether the IA’s arbitrary behavior, confirmed by consulting superiors to clear his own doubts , proves his unfitness to analyze complex facts and law?
279. Whether the High Court must exercise its authority to prevent the IA from continuing proceedings that are jurisdictionally defective, given the IA's disregard of the mandatory stay rule?
280. Whether the procedural irregularities are so interwoven with the IA's bias that they cannot be separated, necessitating a holistic quashing?
281. Whether the denial of inspection of originals constitutes a breach of the assurance that the CO must be told "on what evidence, oral or documentary, the allegations are based"?
282. Whether the IA, having failed to adhere to Rule 14(14) regarding documents, loses jurisdiction to proceed under Rule 14(15) regarding evidence?
283. Whether the IA's admission of having "no originals" proves a failure by the Disciplinary Authority to furnish the IA with necessary records, compounding the procedural illegality?

284. Whether the IA's conduct constitutes abuse of process, warranting the dismissal of the entire disciplinary charge?
285. Whether the High Court is justified in interfering at the earliest stage to avoid continued harassment and humiliation?
286. Whether the High Court should mandate protective measures to ensure no reprisal is taken against the Charged Officer or the Defence Assistant for lodging the bias complaint?
287. Whether the IA, by forcing the surrender of mobile devices without demonstrating any empowering rule, violated the CO's fundamental right to privacy and personal liberty under Article 21?

288. Whether the sustained coercive and humiliating conduct of the IA resulted in the violation of the CO's right to life with dignity (Jus Ad Dignitatem) under Article 21?
289. Whether the documentation of severe psychological trauma suffered by the CO mandates immediate judicial intervention to protect the constitutional right to mental health under Article 21?
290. Whether the IA's intimidation of the retired DA with remarks concerning his pensionary status constitutes an infringement of the CO's right to effective defense assistance guaranteed by Article 311(2)?
291. Whether the cumulative effect of the procedural abuses and biased conduct amounted to a fundamental denial of the "reasonable opportunity of being heard" mandated by Article 311(2) of the Constitution?
292. Whether the IA's lack of impartiality and the arbitrary control over the proceedings renders the entire departmental inquiry ultra vires the basic tenets of administrative jurisprudence?
293. Whether the High Court is justified in intervening at the interlocutory stage to prevent continued psychological harassment and humiliation, given the non-availability of administrative appeal under Rule 22(iii)?
294. Whether the IA's discriminatory use of his own mobile phone for external consultation while barring the defense from recording constitutes a deliberate manipulation intended to suppress evidence, violating Article 21 due process standards?
295. Whether the IA's decision to forbid the CO from asking questions in his own defense violates the CO's inherent human right to speak and be heard?
296. Whether the IA's arbitrary refusal of common sense formalities and courtesies demonstrates a mindset incompatible with the "basic structure of the Constitution," as alleged?

297. Whether the IA's conduct, compelling the CO’s exit from the chamber , proves an intent to conclude the proceedings in a manner convenient to the IA, irrespective of procedural fairness?
298. Whether the IA's continuous harassment of the CO, leading to psychological trauma, constitutes a failure of the State to uphold the dignity of the CO, amounting to administrative oppression?

299. Whether, applying the ratio laid down in G.M. Tank v. State of Gujarat and M. Paul Anthony v. Bharat Gold Mines Ltd. , the simultaneous continuance of the departmental inquiry and the ACB criminal case, based on identical facts and evidence, warrants an immediate stay?
300. Whether the grave nature of the charges (arising from a CBI/ACB trap operation) against Shri Jitendra Kumar necessitates the staying of the departmental proceedings until the criminal trial concludes?

301. Whether the insistence on proceeding with the departmental inquiry poses an irremediable threat to the Charged Officer’s fundamental right against self-incrimination under Article 20(3)?

302. Whether the inherent risk of prejudice to the criminal defense outweighs the administrative concern for avoiding undue delay in disciplinary action?
303. Whether the High Court, in its discretionary power, should mandate a stay when the departmental inquiry's procedure is already fatally compromised by the IA's bias and illegality?
304. Whether the DoPT guidelines, which recognize that a stay is appropriate when complex questions of facts and law are involved , apply conclusively to cases stemming from vigilance trap operations?
305. Whether the departmental inquiry must be stayed to prevent the adverse finding (based on lower proof) from causing career termination before the CO receives the protection of the criminal court's higher standard of proof?
306. Whether the IA’s use of ACB investigation material confirms the unity of the evidence, thereby strengthening the mandate for a stay under Lis Pendens principles?
307. Whether the continuance of the departmental proceedings constitutes a form of administrative pressure designed to compel the Charged Officer to disclose his defense, contrary to the spirit of a fair trial?
308. Whether the IA’s failure to grant an adjournment/stay for the Disciplinary Authority to consider the ACB case pendency is an act of procedural malice?

309. Whether, in the event of a criminal acquittal based on identical evidence, the subsequent reinstatement of the CO would be required under the G.M. Tank doctrine , making the current disciplinary proceedings potentially futile?

310. Whether the psychological trauma suffered by the CO further justifies a stay, as it severely hinders his capacity to participate effectively in both the departmental and criminal proceedings?

311. Whether the denial of original documents in the inquiry heightens the risk of prejudice to the criminal defense, justifying a stay?

312. Whether the High Court should direct that the disciplinary proceedings be stayed until the final judgment of the ACB Court, including the exhaustion of the first appellate remedy?

313. Whether the discretion to proceed simultaneously must be exercised judiciously, and whether the IA's conduct proves non-judicious exercise of that discretion?

314. Whether the principle that disciplinary proceedings should only be resumed if the criminal case is unduly delayed applies here, or whether the stay should be maintained given the IA's unfitness?

315. Whether the High Court can distinguish this case from precedents permitting simultaneous proceedings, given the IA’s unique combination of arrogance and ignorance of core rules?

316. Whether the High Court must exercise its protective role to ensure the CO is not punished twice for the same set of facts, pending the definitive conclusion of the criminal justice system?

317. Whether the disciplinary authority must furnish cogent reasons why a stay is not appropriate, and whether failure to do so validates the CO's claim of prejudice?

318. Whether the continued pressure from the departmental inquiry violates the CO’s right to a speedy and focused criminal trial defense?

319. Whether the principle of Lex Nihil Frustra (the law does nothing in vain) compels a stay where the finding of the criminal court is likely to override the administrative finding?

320. Whether the disciplinary proceedings, by relying on materials gathered for the criminal case , become subservient to the criminal outcome, necessitating a stay?

321. Whether the CO has discharged the burden of proving Irreparable Prejudice to warrant the High Court’s imposition of a stay order

322. Whether the IA’s procedural recklessness, confirmed by denial of cross-examination , renders the current inquiry fundamentally defective under the M. Paul Anthony principle?

Conclusions

The departmental disciplinary proceedings against Shri Jitendra Kumar are rendered fundamentally defective due to the IA's gross misconduct and institutional bias. The IA's conduct violated mandatory procedural requirements (denial of cross-examination, withholding originals) and constitutional guarantees (right to dignity and psychological safety). The subsequent failure of the IA to grant a mandatory stay upon receiving the formal bias complaint constitutes a continuing act of procedural illegality.
The continuation of the inquiry, particularly given its compromised integrity and the identical, grave nature of the pending ACB criminal trial, constitutes an immediate threat of irreparable prejudice to the Charged Officer's defense rights under Article 20(3).

These additional questions of law comprehensively address the constitutional, statutory, procedural, psychological, and institutional dimensions of your case. They draw upon the detailed factual allegations in your petition while invoking established legal principles and precedents. The questions are designed to present your position from multiple reinforcing angles, demonstrating that relief is warranted whether examined through the lens of constitutional law, administrative law, evidence law, or fundamental principles of justice and fairness.

Each of these questions raises fundamental issues of constitutional and administrative law – ranging from fair hearing and bias to statutory and Article 311(2) safeguards, equality and livelihood rights, evidence and process, and even international fair-trial norms. They are intended to demonstrate that proceeding under the current Inquiring Authority would be antithetical to audi alteram partem, nemo judex in causa sua, and other entrenched norms of justice, and would inevitably result in a miscarriage of justice.

Sources: The questions draw on settled principles of administrative law and constitutional jurisprudence as articulated in Supreme Court decisions (e.g. requiring an unbiased inquiry officer ,

insistence on hearing and evidence , the "prejudice rule" in disciplinary inquiries), as well as recent High Court rulings and international standards (e.g. UN Basic Principles , ICCPR Art.14). These authorities underscore that the petitioner's continued victimization in the current inquiry would violate his fundamental legal rights.

13. Relief Sought (Prayers)

In view of the above, it is most respectfully prayed that In light of the aforesaid egregious violations, psychological trauma, and legal imperatives, the Petitioner most humbly prays that Your Excellency be pleased to that this Hon'ble Tribunal/Authority may be pleased to grant the following reliefs:

1. Stay of Disciplinary Proceedings: Issue an order staying or postponing the ongoing Rule-14 inquiry pending the conclusion of the criminal (ACB) trial. This will prevent irreparable prejudice to the Petitioner's defence and accord with the Apex Court's directions that "the departmental proceedings should have been stayed" when based on identical facts . (Pending stay, any further hearings should be adjourned.) Forthwith STAY ALL pending departmental hearings sine die until final disposal of the ACB criminal proceedings and adjudication of this bias petition (within 30 days per CVC Circular No. 03/02/24), to prevent vitiation and inconsistency, as per G.M. Tank (supra) and DoPT OM dated 09.11.1972 .
2. Appointment of a New Inquiry Officer: Direct that Shri Dharmendra Sharma be immediately relieved as IO, and a fresh, impartial inquiry officer (senior to the Charged Officer and from a different unit) be appointed afresh. This is warranted under Rule 14(5) (assigning a new IO) and DOPT/CVC norms whenever bias is alleged. It is essential to supersede Shri Dharmendra Sharma sine die and appoint a new, impartial IO from a different unit (senior and disinterested per DoPT OM dated 19.05.1993), to restore

equity and avert trauma, enabling the Charged Officer to attend without dread The Petitioner's faith in a fair hearing has been irretrievably lost; continuing under the present IO would violate nemo judex in causa sua and audi alteram partem. This substitution aligns with DoPT guidance that no "interested" or prejudiced officer should adjudicate.

3. Directions to Ensure Fair Inquiry: Issue appropriate directions to preserve the Petitioner's inquiry rights. For example, order that the Petitioner be given full and unfettered access to all documents (including originals) as per Annexure-III within 48 hours, and that his appointed Defence Assistant be allowed to fully participate (examine/re-examine witnesses) . Prohibit any act of intimidation or hostility by the IO or others. Ensure that all future hearings observe the strictures of Rule 14 and principles of natural justice (so that audi alteram partem is not rendered a mere piety).
4. Protection of Petitioner's Rights: Direct that the Petitioner's rights under service rules and law be protected. This includes providing him leave to seek any legal remedy, and confirming that this petition will not be held against him in any way. Issue any other interim orders (including protective measures or review by a higher authority) necessary to safeguard justice.
5. Vigilance Inquiry and Disciplinary Action: Institute time-bound inquiry under CVC Act, 2003 (Section 8) into the IA's gross misconduct (threats, bias, autocracy, unlawful device seizure, denial of rights) , recommending major penalty under Rule 14 CCS (CCA) Rules. Disciplinary Action against IA: Direct the disciplinary authority (or an appropriate agency) to investigate and take action against the IA for his high-handed and unprofessional conduct during the inquiry. Such conduct not only violates the CCS rules but also the expected code of conduct for public servants.
6. Remake of Proceedings: Upon substitution, direct a de novo rehearing from inception, furnishing originals of Annexure-III within 48 hours, and ensuring unfettered cross-examination in Gujarati/Hindi per witness comfort under Rule 14(18), sans subjective censorship.
7. Protective Measures: Mandate psychological counseling for the Charged Officer, no reprisal against him/Defence Assistant, and quarterly vigilance audit of the erstwhile IA .
8. Expeditious Disposal: Dispose of this petition within 30 days, observing justitia nemini neganda est (justice denied to none),

and passing further orders as deemed meet to uphold ubi jus ibi remedium (where right, there remedy) .

9. Direct that upon appointment of new IO, the inquiry shall commence de novo with production of all original documents and full, unfettered right of cross-examination. It is further prayed that a new, impartial, and disinterested Inquiring Authority be appointed immediately, ideally from a different unit or department, as prescribed by DoPT guidelines for maintaining strict impartiality.
10. Guidance to Disciplinary Authority: Issue appropriate directions to the disciplinary authority to prevent recurrence of such violations in any inquiry, and to uphold the sanctity of due process.
11. Declare that no further hearing shall take place before Shri Dharmendra Sharma as the petitioner is psychologically incapacitated from appearing before him owing to the traumatic events of 01.12.2025;
12. **Direct** the Principal Chief Commissioner of Income Tax, Gujarat; and Disciplinary Authority to furnish originals of Annexure-III for inspection within six months, adjourn the 02.12.2025 hearing *sine die* pending compliance, and ensure untrammelled cross-examination sans censorship;
13. That the newly appointed IA be instructed to recommence the inquiry de novo from the stage of inspection of documents, ensuring full compliance with Rule 14(14) regarding the mandatory inspection of original documents (Annexure III) and granting the CO and the DA untrammeled cross-examination rights without censorship or intrusion, in strict adherence to Rule 14(15) and (16).
14. That protective measures be mandated, including assurance of no reprisal or intimidation against Shri Jitendra Kumar or his Defence Assistant, and that the psychological well-being of the Charged Officer be treated as a prerequisite for resuming any fair inquiry proceedings.
15. Mandate protective measures, including no reprisal against the Complainant/Charged Officer, and quarterly vigilance clearance audit of the IA; and Protective Measures: Mandate psychological counselling for the Charged Officer, no reprisal against him/Defence Assistant, and quarterly vigilance audit of the erstwhile IA; adjourn 02.12.2025 hearing sine die;
16. **Pass** such further or other orders as Your Excellency deems *meet and proper* in the inexorable pursuit of *Justitia*

Nemini Neganda Est (justice denied to none), including interim stay on proceedings to forestall miscarriage.

17. Any Other Relief: Pass any further or such orders as this Hon'ble Tribunal or the Commission may deem fit and proper in the interests of justice, equity and fair inquiry, invoking the maxim Fiat Justitia Ruat Caelum.

Verification:

I, Shri Jitendra Kumar, the above-named Petitioner, do hereby verify that the contents of the foregoing Petition are true to my knowledge and belief, derived from personal participation, records, and the annexed Affidavit, and nothing material has been concealed. Verified at Vapi on this ……nd day of December, 2025.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL EVER PRAY.

Jeetendra Kumar
(Charged Officer)

Through

Arvind N. Sontakke, IRS (Retd.)
Defence Assistant

Enclosures:

1. Copy of Charge Memo dated 20.09.2023

2. Copy of CVC Complaint dated 01.12.2025 (already filed)
3. Medical certificate/affidavit regarding psychological trauma (to be filed shortly)
4. Relevant judgments

14. Citations, references and Precedents mandating/desirabling stay:

In view of the above, continuation of the departmental inquiry will not only prejudice my defence in the criminal trial (where the standard of proof is beyond reasonable doubt) but also violate the principle of ex abundanti cautela and the rule against double jeopardy in substance.

1. **Capt. M. Paul Anthony v. Bharat Gold Mines Ltd.** (1999) 3 SCC 679 (Constitution Bench ratio applicable):
   "If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case."
2. **Stanzen Toyotetsu India (P) Ltd. v. Girish V.** (2014) 3 SCC 636: Stay is warranted when continuation would prejudice the defence in the criminal case.

3. **Ashoo Surendralal Tiwari v. Deputy Commissioner of Police** (2000) 10 SCC 206:
   Departmental proceedings should be stayed when acquittal/honourable findings in criminal case would render departmental proceedings infructuous or lead to anomalous situation.
4. **G.M. Tank v. State of Gujarat** (2006) 5 SCC 446:
   In trap cases, departmental proceedings should normally await criminal trial outcome to avoid embarrassment of conflicting findings.
5. **M. Paul Anthony** (supra) further holds that if the criminal court acquits on merits, the departmental proceedings cannot sustain a contrary finding on the same evidence.
6. DoPT O.M. No. 11012/6/2007-Estt.(A-III) dated 21.07.2016 and CVC Circular No. 000/VGL/18 dated 23.05.2000, while permitting simultaneous proceedings in ordinary cases, explicitly recognise that in grave and complex corruption cases, stay is desirable and often granted by courts/CAT.
7. Considering petition of bias by Charged Officers - CVC Circular No ... https://www.staffnews.in/2024/03/considering-petition-of-bias-by-charged-officers.html.
8. DOPT OM's - View OM https://doptcirculars.nic.in/OM/ViewOM.aspx?id=369&headid=10
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27. CCS (CCA) RULES, 1965 | Department of Personnel & Training https://dopt.gov.in/ccs-cca-rules-1965
28. In B.C. Chaturvedi v. Union of India*, (1995) 6 SCC 749, the Court held that when criminal proceedings are based on the same allegations as the departmental proceedings, it would be desirable to stay the latter until the conclusion of the former, though no hard and fast rule can be laid down. The Court observed: “If the departmental proceedings and the criminal proceedings are the outcome of the same set of facts and evidence, the former should be stayed till the finality of the latter.”
29. In “Ajay Kumar Jain v. Union of India”, (2007) 9 SCC 568, the Court held that where serious criminal charges are pending and the departmental inquiry is based on the same set of facts, prudence

demands that the departmental inquiry should await the outcome of the criminal proceedings to avoid the possibility of contradictory findings.

30. DoPT OM dated 09.11.1972 (para 4) unequivocally directs: "whenever an application... against the inquiry officer on grounds of bias, the proceedings should be stayed and the application referred... for considering," with no appeal under Rule 22(iii) CCS (CCA) Rules save CVC intervention.
31. CVC Circular No. 03/02/24 dated 19.02.2024 reiterates expeditious disposal (within 30 days), noting delays from bias petitions erode morale; grounds include IO's decisions denying documents/cross-examination, as here.
32. The Hon'ble Supreme Court in “Aureliano Fernandes v. State of Goa” (2023) SCC OnLine SC 525 quashed proceedings for IO intimidation, mandating supersession to exorcise bias apprehension (Union of India v. T.R. Varma AIR 1957 SC 882).
33. Gujarat High Court in “Surat Singh v. S.R. Bakshi” (1970 GLR 456) invalidated autocratic inquiries; Committee of Management, Kisan Degree College v. Shambhu Saran Pandey (1995) 1 SCC 404 deems pre-hearing denial fatal.
34. In Delhi Cloth & General Mills v. Kushal Bhan (AIR 1960 SC 806), the Court held that while an employer is not obliged by natural justice to await the criminal trial, “[i]f the case is of a grave nature or involves questions of law or fact which are not simple, it would be advisable for the employer to await the decision of the trial court” .
35. Similarly, in Kusheshwar Dubey v. Bharat Coking Coal Ltd. (1988), the Supreme Court stayed a departmental inquiry by reaffirming that where “the criminal action and the disciplinary proceedings are grounded upon the same set of facts”, the inquiry “should have been stayed” .
36. This view is reinforced by Ajay Kumar Chaudhary v. UOI (2015 (2) SCALE 487) where the Supreme Court, reiterating CVC advice, directed that in a corruption case “pending a criminal investigation, departmental proceedings are to be held in abeyance” .
37. Likewise, DOPT Office Memoranda (August 2007, July 2016) counsel that major penalty inquiries should not proceed in lockstep with a criminal trial if the charges are identical and grave.
38. In HPCL v. Sarvesh Berry (2004), the Court noted that unless charges are grave, simultaneous progress is permissible, but explicitly cautioned that it is undesirable to fix inflexible rules on this point . Thus, given (a) the identical nature of charges; (b) the grave corruption context; and (c) the Petitioner’s plea to await the criminal verdict, prudence and natural justice warrant “suspension or deferment of disciplinary action” until the ACB Court decides.

39. The IA's retort – "no originals available; submit written request" – elided the untrammelled right to inspect pre-recordal, rendering reliance on Xerox effigies inadmissible under Sections 61 and 65 of the Indian Evidence Act, 1872 (best evidence rule).
40. Violation of Natural Justice and Constitutional Bedrock:*Article 311(2) ordains "reasonable opportunity," profaned by the IA's embargo (State of U.P. v. Shatrughan Lal (1998) 6 SCC 651); Maneka Gandhi v. Union of India (1978) 1 SCC 248 expands this to procedural fairness under Articles 14 and 21.
41. "Ridge v. Baldwin" (1964) AC 40 (HL, influential) underscores hearing rights; IA's conduct – denying water, influencing witnesses, dictatorial proclamations ("I am JUDGE; I do as I want") – evokes *nemo judex in causa sua, warranting substitution per DoPT OM No. 372/3/2007-AVD-III dated 24.12.2013.
42. Stay Mandated on Bias Allegations: DoPT OM dated 09.11.1972 (para 4) unequivocally directs: "whenever an application... against the inquiry officer on grounds of bias, the proceedings should be stayed and the application referred... for considering," with no appeal under Rule 22(iii) CCS (CCA) Rules save CVC intervention. CVC Circular No. 03/02/24 dated 19.02.2024 reiterates expeditious disposal (within 30 days), noting delays from bias petitions erode morale; grounds include IO's decisions denying documents/cross-examination, as here.
43. The Hon'ble Supreme Court in "Aureliano Fernandes v. State of Goa" (2023) SCC OnLine SC 525 quashed proceedings for IO intimidation, mandating supersession to exorcise bias apprehension (Union of India v. T.R. Varma AIR 1957 SC 882). Gujarat High Court in "Surat Singh v. S.R. Bakshi" (1970 GLR 456) invalidated autocratic inquiries; Committee of Management, Kisan Degree College v. Shambhu Saran Pandey (1995) 1 SCC 404 deems pre-hearing denial fatal.
44. Imperative for Stay Pending ACB Verdict: Though departmental proceedings may generally parallel criminal trials ("Deputy Director of Collegiate Education (Administration) v. S. Nagoor Meera"(1995) 3 SCC 583), stay is mandated where charges are identical and grave, involving corruption under Prevention of Corruption Act, 1988, to avert prejudice from departmental preemption ("G.M. Tank" (supra); "State of Rajasthan v. B.K. Meena" (1996) 6 SCC 417).
45. The Hon'ble Supreme Court in "Capt. M. Paul Anthony v. Bharat Gold Mines Ltd." (1999) 3 SCC 679 clarified that while no absolute bar exists, stay is advisable for "grave nature involving complicated facts and law," as here with the trap operation's factual matrix. DoPT OM No. 11012/6/2007-Estt.A-III dated 21.07.2016 endorses expedition but permits stay to prevent inconsistent outcomes, especially in corruption cases where ACB adjudication binds departmentally (Hindustan

Petroleum Corpn. Ltd. v. Sarvesh Berry (2004) 10 SCC 201). CVC Guidelines, 2021 (Chapter II) exhort superintendence to ensure fairness, aligning with “S. Janaki Iyer v. Union of India”(2025 INSC 742) holding natural justice breaches per se vitiate without prejudice calculus.

46. DoPT OM No. 11012/6/2007-Estt.A-III dated 21.07.2016 endorses expedition but permits stay to prevent inconsistent outcomes, especially in corruption cases

Jeetendra Kumar
(Charged Officer)

Through

Arvind N. Sontakke, IRS (Retd.)
Defence Assistant